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Jun 13 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS

Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2025-000930

Ridgeway Manor Healthcare Center, LLC
Deborah Sparks, and James McCollum, Appellants,

v.

Stephanie Pressley, as Personal
Representative of the Estate of Gail Wright, Respondents.

APPELLANTS' RETURN TO RESPONDENT'S MOTION TO DISMISS APPEAL FOR
FAILURE TO COMPLY WITH SOUTH CAROLINA APPELLATE COURT RULES

Appellants Ridgeway Manor Healthcare Center, LLC, Deborah Sparks, and James McCollum (collectively referred to herein as "Appellants"), by and through their undersigned counsel, hereby submits this Return to Respondent's Motion to Dismiss Appeal for Failure to Comply with South Carolina Appellate Court Rules (hereinafter the "Motion"). For the reasons set forth below, the Motion should be denied in its entirety as the dismissal of an appeal is a drastic remedy and, here, Appellants substantially complied with the appellate rules, acted in good faith, and Respondent has suffered no prejudice.

This appeal concerns Appellants' attempts to compel arbitration. Appellant timely filed and served the Notice of Appeal on May 13, 2025, in compliance with Rule 203(b), SCACR. On May 28, 2025, the Chief Deputy Clerk of the South Carolina Court of Appeals informed Appellant it had failed to submit a timely transcript request and further instructed counsel, within ten (10) days, to either file a timely transcript request or a motion requesting permission to order

the transcript outside of the filing deadlines set by Rule 207, SCACR along with a transcript request.

Shortly after receiving said correspondence, Appellants promptly requested a transcript of the subject proceedings and served a copy of the transcript request on Respondent and filed it with the appellate court. Appellant inadvertently forgot to contemporaneously submit a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207, SCACR. On June 4, 2025, Respondent filed a Motion to Dismiss Appeal for Failure to Comply with South Carolina Appellate Court Rules. On June 9, 2025¹, Appellant filed a Motion to Enlarge Time for Transcript Request along with the previously filed transcript request.

Because Appellants filed the transcript request and the Motion to Enlarge Time for Transcript Request within the 10-day period specified by the Chief Deputy Clerk of the South Carolina Court of Appeals in the May 28, 2025 correspondence to all counsel, and otherwise substantially complied with the South Carolina Appellate Court Rules, Respondent's Motion to Dismiss Appeal for Failure to Comply with South Carolina Appellate Court Rules should be denied as moot. *See Henning v. Kaye*, 307 S.C. 436, 438, 415 S.E.2d 794, 795 (1992) (holding that failure to comply with rules of appellate procedure did not require dismissal but instead required appellant to comply with applicable rules).

(Signature Line to Follow on Next Page)

¹ Appellant's Motion to Enlarge Time for Transcript Request was filed on June 9, 2025, ten (10) days after the May 28, 2025 correspondence pursuant to Rule 263(a), SCACR.

Dated: June 13, 2025

GORDON REES SCULLY MANSUKHANI

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PROOF OF SERVICE

I certify that I have served the *Appellants' Return to Respondent's Motion to Dismiss Appeal for Failure to Comply with South Carolina Appellate Court Rules*, on the Respondents, Stephanie Pressley, as Personal Representative of the Estate of Gail Wright, via E-mail upon their respective attorneys of record as properly addressed below this 13th day of June 2025:

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Dated: June 13, 2025



By

MELISSA CARLTON
PARALEGAL