

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
COURT OF COMMON PLEASE

The Honorable Jennifer McCoy, Circuit Court Judge

Case No. 2021-CP-08-00087
Appellate Case No. 2024-002032

RECEIVED
JUN 16 2025
SC Court of Appeals

104992

Tunc ErenRespondent,

v

AKPA Chemicals US, Inc.....Appellant

MOTION TO DISMISS APPEAL

/s/Tunc Eren
2966 Scout Street
Saint Cloud FL 34771
Telephone: (843) 642-9334
Email: tunceren283@gmail.com
Pro Se Respondent

Other Party of Record:
Michael E. Patterson, Jr.

Mingledorff & Patterson, LLC

245 Seven Farms Dr., Ste. 310, Box 13

Charleston, SC 29492

Telephone: (843) 471-1015

Email: michael@mptrial.com

Attorney for Appellant

NOW COMES the Respondent, Tunc Eren, and respectfully moves this Honorable Court, pursuant to Rule 210(b) of the South Carolina Appellate Court Rules (SCACR), to dismiss the appeal filed by Appellant, AKPA Chemical US, Inc., for failure to diligently prosecute its appeal.

I. STATEMENT OF FACTS

1. **November 29, 2024:** Appellant, AKPA Chemical US, Inc., filed a Notice of Appeal in the above-captioned matter.
2. **December 6, 2024:** Appellant ordered the transcript of proceedings necessary for this appeal from the court reporter.
3. **December 9, 2024:** The court reporter responded to Appellant with a cost estimate and payment instructions for the transcript. (See **Exhibit A**)
4. Despite receiving payment instructions, Appellant failed to remit payment.
5. **February 10, 2025:** The Clerk of the Court of Appeals issued its first notice to Appellant regarding the transcript. (See **Exhibit B**)

6. **February 19, 2025:** Appellant responded to the Court, stating that the transcript had not been received, **without disclosing all correspondence concerning the transcript, thereby failing to fully apprise the Court of the true circumstances of the delay.**
7. **March 31, 2025:** The Clerk of the Court of Appeals issued its second notice to Appellant regarding the transcript. (See **Exhibit C**)
8. **April 10, 2025:** Appellant again claimed to the Court that the transcript had not been received, despite the ongoing issue of non-payment.
9. **April 15, 2025:** Appellant finally paid for the ordered transcript, over four months after ordering it. (See **Exhibit D - Email confirming receipt of payment**)
10. **May 19, 2025:** The Clerk of the Court of Appeals issued its third notice to Appellant regarding the transcript, likely concerning its status after payment. (See **Exhibit E**)
11. **May 26, 2025:** The transcript was delivered to Appellant.
12. **May 28, 2025:** Appellant acknowledged receipt of the transcript.
13. **June 10, 2025:** Respondent files this Motion to Dismiss for unreasonable delay in prosecuting the appeal. **As of this date, Appellant's initial brief has not been filed, nor has any extension for its filing been granted by this Honorable Court.**

II. LEGAL ARGUMENT

Rule 210(b), SCACR, states, in relevant part: "If an appellant shall fail to comply with any of the provisions of these Rules, or any order of the Court, the appeal may be dismissed on motion of the respondent or on the Court's own motion."

Rule 207(a)(1), SCACR, requires that: "Within five (5) days after the filing of the notice of appeal, the appellant shall order from the court reporter a transcript of the testimony and other proceedings at trial pertinent to the appeal, **and at the time of ordering shall make such arrangements for payment as are satisfactory to the court reporter.**" This rule imposes a clear, mandatory duty upon the appellant to ensure timely payment arrangements.

As detailed in the Statement of Facts, Appellant failed to comply with this express and mandatory requirement of Rule 207(a)(1) by not making satisfactory arrangements for payment at the time of ordering the transcript on December 6, 2024. The egregious delay of over four months in remitting payment, until April 15, 2025, despite receiving explicit payment instructions on December 9, 2024 (as evidenced by **Exhibit A**), and despite **multiple, unequivocal notifications from the Court** (February 10, 2025 - **Exhibit B**, March 31, 2025 - **Exhibit C**, and May 19, 2025 - **Exhibit E**), demonstrates a clear, inexcusable lack of diligence and a fundamental failure to perfect this appeal. **Notably, no extension for these delays was ever sought or granted by this Court, emphasizing Appellant's prolonged non-compliance.**

Appellant's repeated claims of not receiving the transcript (February 19, 2025, and April 10, 2025), while the payment issue remained unresolved, coupled with their failure to disclose all relevant correspondence concerning the transcript, illustrate a critical failure to address the fundamental prerequisite for transcript preparation and delivery. This non-disclosure suggests a lack of candor with the Court and further underscores Appellant's disregard for its appellate obligations. The Court cannot compel a court reporter to prepare and deliver a transcript for which payment has not been made. Appellant bore the responsibility to ensure timely payment and to respond appropriately and truthfully to the Court's communications. Its failure to do so,

leading to a substantial and unreasonable delay from December 2024 until the transcript's delivery on May 26, 2025, warrants dismissal.

This protracted delay, directly attributable to Appellant's lack of diligence and apparent misrepresentations, has not only prejudiced Respondent by unduly prolonging the resolution of this matter, but has also taken a significant emotional toll on the Respondent, who is proceeding *pro se* in this appeal. The burden placed upon a self-represented litigant by such avoidable delays is particularly onerous and underscores the need for strict enforcement of appellate rules. Furthermore, Appellant's actions have unnecessarily consumed valuable judicial resources through the need for repeated notices and follow-ups. **Crucially, as of today's date, Appellant has still failed to file its initial brief, further demonstrating an utter lack of diligence and a failure to progress this appeal in a timely manner. This continued inaction, without any granted extension, severely prejudices Respondent and hinders the orderly administration of justice.** The Court has inherent authority, as well as authority under Rule 210(b), SCACR, to dismiss appeals where there has been a failure to prosecute diligently or a failure to comply with the Rules, especially when such failures impede the efficient administration of justice and burden unrepresented parties.

III. CONCLUSION

For the foregoing reasons, Respondent, Tunc Eren, respectfully requests that this Honorable Court dismiss the appeal of AKPA Chemical US, Inc., with prejudice, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

This **10th day of June, 2025.**

Tunc Eren

Signed using DocuSign
20250610 11:45:55

Tunc Eren

2966 Scout Street

St. Cloud, FL 2966

(843) 642-9334

tunceren283@gmail.com

Respondent *Pro Se*

V. EXHIBITS

Exhibit A: Email/Correspondence from Court Reporter to Appellant dated December 9, 2024, providing cost estimate and payment instructions.

Exhibit B: Court's first notice to Appellant dated February 10, 2025.

Exhibit C: Court's second notice to Appellant dated March 31, 2025.

Exhibit D: Email confirming receipt of payment for transcript by Appellant dated April 15, 2025.

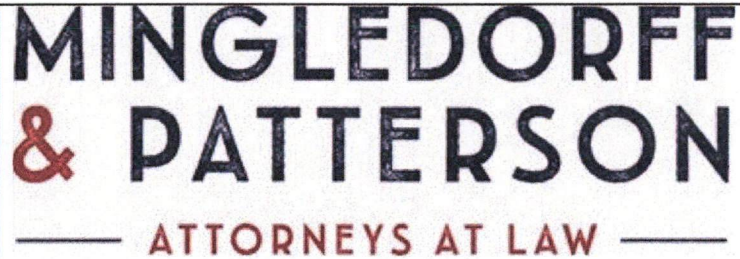
Exhibit E: Court's third notice to Appellant dated May 19, 2025.

assistance.

Kind regards,
Melissa

Exhibit A

Melissa P. Kaldas, Paralegal
Mingledorff & Patterson, LLC
245 Seven Farms Drive, Suite
310, Box 13
Charleston, South Carolina 29492
O: (843) 471-1015
F: (843) 996-1403
melissa@mptrial.com
www.mptrial.com



Mingledorff & Patterson, LLC, unparalleled representation for individuals and large companies alike. You Matter.

Confidentiality Notice

This email and all attachments are CONFIDENTIAL and intended SOLELY for the recipients as identified in the "To", "Cc" and "Bcc" lines of this email. If you are not an intended recipient, your receipt of this email and its attachments is the result of an inadvertent disclosure or unauthorized transmittal. Sender reserves and asserts all rights to confidentiality, including all privileges which may apply. Pursuant to those rights and privileges, immediately DELETE and DESTROY all copies of the email and its attachments, in whatever form, and immediately NOTIFY the sender of your receipt of this email. DO NOT review, copy, or rely on in any way the contents of this email and its attachments. All rights of the sender for violations of the confidentiality and privileges applicable to this email and any attachments are expressly reserved. This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521, is confidential and may be legally privileged.

From: Torres, Yvestre <ytorres@sccourts.org>

Sent: Monday, December 9, 2024 6:50 PM

To: Melissa Kaldas <melissa@mptrial.com>; Transcripts <transcripts@sccourts.org>

Cc: Michael Patterson <michael@mptrial.com>; Betsy Homa <betsy@mptrial.com>

Subject: Re: Form 11 - Letter Ordering Transcript from Court Reporter (AKPA v. Eren, Case No. 2021-CP-08-00087)

YVESTRE TORRES

261 Brookshire Road

Goose Creek, SC 29445

ytorres@sccourts.org

December 9, 2024

IN RE: AKPA Chemicals v. Tunc Eren

Case No. 2021-CP-08-00087

Dear Ms. Kaldas:

I hereby acknowledge receipt of your request for transcript dated December 6, 2024, in the above-captioned case held in front of Judge McCoy on October 17, 2024. I have reviewed my records and estimate that your transcript will be 140 pages. Based on the current rate of \$4.25 per page, the cost will be \$595.00. Under our rules, I have 60 days in which to complete the transcript.

Upon receipt of a certified check or money order (no personal checks, please, but a law firm check is acceptable) for \$595.00, the 60 days will begin. If I have underestimated the number of pages, you will be notified prior to delivery of the transcript of the balance due. If I have overestimated the number of pages, you will be refunded the overpayment.

In the event I need an extension of time to complete the transcript, I will request an extension from Court Administration. You will be notified if the extension is granted.

Sincerely,

Yvestre Torres

From: Melissa Kaldas <melissa@mptrial.com>

Sent: Monday, December 9, 2024 10:30 AM

To: Torres, Yvestre <ytorres@sccourts.org>; Transcripts <transcripts@sccourts.org>

Cc: Michael Patterson <michael@mptrial.com>; Betsy Homa <betsy@mptrial.com>

Subject: RE: Form 11 - Letter Ordering Transcript from Court Reporter (AKPA v. Eren, Case No. 2021-CP-08-00087)

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Good morning, Ms. Torres:

Perfect – thank you so much!

Kind regards,
Melissa

Melissa P. Kaldas, Paralegal
Mingledorff & Patterson, LLC
245 Seven Farms Drive, Suite
310, Box 13
Charleston, South Carolina 29492



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 10, 2025

Mr. Michael Eugene Patterson, Jr., Esquire
245 Seven Farms Dr., Suite 310
Box 13
Charleston SC 29492

Re: AKPA Chemical US, Inc. v. Tunc Eren
Appellate Case No. 2024-002032

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201
transcripts@sccourts.org

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

Catherine Hamisa, deputy

CLERK

cc: Tunc Eren



Exhibit C

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 31, 2025

Mr. Michael Eugene Patterson, Jr., Esquire
245 Seven Farms Dr., Suite 310
Box 13
Charleston SC 29492

Re: AKPA Chemical US, Inc. v. Tunc Eren
Appellate Case No. 2024-002032

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201
transcripts@sccourts.org

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

Catherine Hannisa, deputy

CLERK

cc: Tunc Eren

Exhibit D

Mingledorff & Patterson, LLC, unparalleled representation for individuals and large companies alike. You Matter.

Confidentiality Notice

This email and all attachments are CONFIDENTIAL and intended SOLELY for the recipients as identified in the "To", "Cc" and "Bcc" lines of this email. If you are not an intended recipient, your receipt of this email and its attachments is the result of an inadvertent disclosure or unauthorized transmittal. Sender reserves and asserts all rights to confidentiality, including all privileges which may apply. Pursuant to those rights and privileges, immediately DELETE and DESTROY all copies of the email and its attachments, in whatever form, and immediately NOTIFY the sender of your receipt of this email. DO NOT review, copy, or rely on in any way the contents of this email and its attachments. All rights of the sender for violations of the confidentiality and privileges applicable to this email and any attachments are expressly reserved. This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521, is confidential and may be legally privileged.

From: Torres, Yvestre <ytorres@sccourts.org>
Sent: Tuesday, April 15, 2025 5:36 PM
To: Melissa Kaldas <melissa@mptrial.com>
Subject: Re: Form 11 - Letter Ordering Transcript from Court Reporter (AKPA v. Eren, Case No. 2021-CP-08-00087)

Good evening,

I have received your check today. Therefore, your 60-day transcript delivery time frame starts on today's date. Thank you and have a wonderful week.

Yvestre Torres

From: Melissa Kaldas <melissa@mptrial.com>
Sent: Thursday, April 10, 2025 8:17 PM
To: Torres, Yvestre <ytorres@sccourts.org>
Subject: RE: Form 11 - Letter Ordering Transcript from Court Reporter (AKPA v. Eren, Case No. 2021-CP-08-00087)

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Hi Ms. Torres:

Perfect, thank you!

Kind regards,
Melissa

Melissa P. Kaldas, Paralegal
Mingledorff & Patterson, LLC
245 Seven Farms Drive, Suite



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 19, 2025

Mr. Michael Eugene Patterson, Jr., Esquire
245 Seven Farms Dr., Suite 310
Box 13
Charleston SC 29492

Re: AKPA Chemical US, Inc. v. Tunc Eren
Appellate Case No. 2024-002032

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

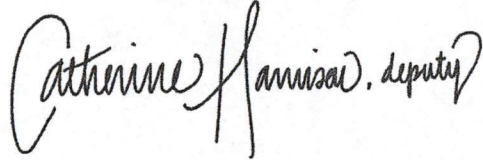
If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201
transcripts@sccourts.org

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Hannissai, deputy". The signature is written in black ink and is positioned below the phrase "Very truly yours,".

CLERK

cc: Tunc Eren

Tunc Eren
2966 Scout Street
St. Cloud, FL 34771
(843) 642-9334
tunceren283@gmail.com

RECEIVED
JUN 16 2025
SC Court of Appeals

June 10, 2025

Via Email:

South Carolina Office of Court Administration
South Carolina Court of Appeals
1220 Senate Street, Suite 200
Columbia, SC 29201

Transcripts@sccourts.org

Via Email and Mail:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P. O Box 11629
Columbia, South Carolina 29211

ctappfilings@sccourts.org

Re: Filing of Respondent's Motion to Dismiss Appeal
Appellate Case No.: 2024-002032
Appellant: AKPA Chemical US, INC
Respondent: Tunc Eren

Dear Clerk of Court,

Please find enclosed for filing the following documents in the above-referenced matter:

1. Respondent's Motion to Dismiss Appeal for Unreasonable Delay in Payment for Transcript
2. Exhibits regarding the motion
3. Filing fee (via Mail to the South Carolina Court of Appeals)

These documents are submitted pursuant to Rule 207(b) of the South Carolina Appellate Court Rules. I certify that a copy of this filing has been served on the appellant's counsel in accordance with applicable rules.

Should you require any additional information or documentation, please do not hesitate to contact me at the number or email listed above.

Thank you for your attention to this matter.

Respectfully submitted,

Tunc Eren

Signed using Adobe
2025.06.03 11:45:58

Tunc Eren
Respondent, Pro Se

CC: Michael E. Patterson, Jr. Attorney for Appellant (via email: michael@mptrial.com)
South Carolina Court of Appeals (via email: ctappfilings@sccourts.org)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 16 2025

SC Court of Appeals

APPEAL FROM BERKELEY COUNTY
COURT OF COMMON PLEASE

The Honorable Jennifer McCoy, Circuit Court Judge

Case No. 2021-CP-08-00087

Appellate Case No. 2024-002032

Tunc ErenRespondent,

AKPA Chemicals US, Inc.....Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this **10th day of June, 2025**, a true and correct copy of the foregoing MOTION TO DISMISS APPEAL was served via **U.S. Mail and/or electronic mail** all parties mentioned below.

JUNE 10, 2025

Tunc Eren

Signed using DocuSign
2024-06-10 11:43:33

Tunc Eren
2966 Scout Street
Saint Cloud FL 34771
Telephone: (843) 642-9334

Email: tunceren283@gmail.com

Pro Se Respondent

Other Party of Record:

Michael E. Patterson, Jr.

Mingledorff & Patterson, LLC

245 Seven Farms Dr., Ste. 310, Box 13

Charleston, SC 29492

Telephone: (843) 471-1015

Email: michael@mptrial.com

Attorney for Appellant