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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Ninth Judicial Circuit Court Judge

App Case No. 2025-000486
COA Case No. 24-1450 and 22-1146
Circuit Court Case No. 2021-CP-10-05498

J. K. Holmes,

Respondent,

v.

C. E. Holmes,

Petitioner.

Section 11(d)(3)(E), SCEF, Motion

C. Holmes
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Without being disagreeable, there is disagreement with the Clerk's failure to comply with Section 11(d)(3), SCEF, regarding Form SCCA 295 timely filed on 7.2.25 and titled Request to Correct Data Entry Error based on new information, previously unavailable. The petitioner respectfully requests relief pursuant to Section 11(d)(3)(E), SCEF, with request to comply with the South Carolina Rules of Court and Section 11(d)(3), SCEF. The Legislature recognized that no system is perfect and provided relief for inadvertent errors under Section 11(d)(3), SCEF. The record herein reflects the Clerk's failure to timely comply with Section 11(d)(3), SCEF. Further, Section 11(e), SCEF, titled **Construction**, provides that Section 11(d)(3) "shall be liberally construed to ensure substantial justice for all parties, and that cases are disposed of on the merits *including the timely served and filed Petition for a Writ of Certiorari herein.*" Section 11(d)(3), SCEF (emphasis supplied). On information and belief, the inadvertent error with inadvertent delay is based in whole or in part on the error contained in the attached copy of this Honorable Court's correspondence dated February 24, 2025. Specifically, the letter contains an incorrect reference:

"Re: Cynthia Holmes, M.D. v. Haynsworth Sinkler Boyd, P.A., et al."

The attached copy of the COA docket shows that letter was filed in the proper COA App. Case No. 2024-001450, however, the record reflects it is not filed in the proper Supreme Court App. Case No. 2025-000486. Accordingly, pursuant to Section 11(d), SCEF, compliance is respectfully requested including Form SCCA 296 titled Response to Request to Correct Data Entry Error.

In the interest of transparency, even-handedness, and fundamental fairness and pursuant to Section 11(d)(3), SCEF, the appellant respectfully requests the motion be granted with abeyance pending resolution.

Respectfully submitted,



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