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Jul 16 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master in Equity

Case No. 2021-CP-10-2661  
Appellate Case No. 2024-001312

Jason Loy Harn.....Respondent,

v.

Mary Nicole Reavis f/k/a Mary Nicole Harn.....Appellant.

**APPELLANT’S MOTION TO REINSTATE APPELLANT’S APPEAL**

Appellants Mary Nicole Reavis (“Appellant”) by and through her undersigned counsel, hereby moves before this Court for an order reinstating Appellant’s Appeal. Appellant moves pursuant to Rules 211, 240, 260, and 263 SCACR. The grounds for the motion are as follows:

“The time prescribed by [the Appellate Court Rules] for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.” Rule 263, SCACR. “Upon the failure of the Appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided in Rule 260.” Rule 208, SCACR. “Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which

shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown..." Rule 260, SCACR. "When by these rules or by notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the time may be extended by...the court for cause shown may at any time in its discretion (1) with or without written motion or notice order the period enlarged if request therefor is made before the expiration of the period as originally prescribed or extended or (2) upon motion made after the expiration of the specified period, for good cause shown, permit the act to be done." Rule 6(b), SCRCRCP. "This [Rule] authorizes the court to permit an act to be done after the expiration of time upon a showing of good cause. This is the standard applied by courts in practice and is found in Rule 55(c) for relief from entry of default." Note to 1986 Amendment of Rule 6(b) SCRCRCP. "The good cause standard exists to ensure the interests of justice are protected even when a party missteps, so a harmless procedural foot fault does not spring a trap door that mindlessly jettisons innocent parties out of court, regardless of the circumstances." *Jordan v Hartford Fin. Group.*, 435 S.C. 501, 505, 868 S.E.2d 400 (2021)

"Rule 55(c) permits a party to move to set aside the entry of default. The standard for granting relief from an entry of default under Rule 55(c) is mere "good cause." Rule 55(c), SCRCRCP. This standard requires a party seeking relief from an entry of default under Rule 55(c) to provide an explanation for the default and give reasons why vacation of the default entry would serve the interests of justice. Once a party has put forth a satisfactory explanation for the default, the trial court must also consider: (1) the timing of the motion for relief; (2) whether the defendant has a meritorious defense; and (3) the degree of prejudice to the plaintiff if relief is granted. The trial court need not make specific findings of fact for each factor if there is sufficient evidentiary support on the record for the finding of the lack of good cause. A motion under Rule 55(c) is addressed to

the sound discretion of the trial court. *Sundown Operating Company, Inc. v. Intedge Industries, Inc.*, 383 S.C. 601, 607-608, 681 S.E.2d 885 (2009) (Citations Omitted).

In this case by order filed July 3, 2025, this Court dismissed Appellant's appeal for failure to timely file the record on appeal and Appellant's final brief with the Court by the June 18, 2025, filing deadline.

At the outset, the undersigned counsel states the delay in filing Appellant's initial brief and designation of matter is not the fault of Appellant, but solely the fault of Appellant's undersigned counsel. Appellant's counsel failed to correctly calendar the filing deadline. Appellant's counsel has been dealing with personal health issues, which are no excuse for inattention to deadlines, but have played a role in Appellant's counsel's error. I humbly request that this Court not punish my client for my own error.

Appellant has filed electronic copies of Appellant's Final Brief and the Record on Appeal with the Court contemporaneous with the filing of this Motion. Additionally, Appellant has already delivered a bound copy of Appellant's Final Brief and the Record on Appeal to the Court today as well. Appellant would respectfully assert, the matter is now ready for consideration by the Court. Additionally, the lower court issued an order requiring Appellant to post a bond during the pendency of this appeal last October, less than a year ago. Appellant affirmatively believes she has a likelihood to prevail upon the merits of her appeal as set forth in detail in her final brief. Appellant would assert, given the time period involved and the fact that a bond is already in place to protect Respondent from potential waste during the pendency of the appeal, that Respondent will not be prejudiced if this Court were to grant this Motion to Reinstate Appellant's appeal and issue a decision upon the merits of Appellant's appeal.

Therefore, the undersigned counsel for Appellant, for the reasons stated herein above and good cause shown, respectfully requests that this Court Grant Appellant's Motion to Reinstate Appellant's appeal and consider the merits of the issues on appeal based upon the final briefs of the parties and the record on appeal, all of which have been filed with the Court at this time.

RESPECTFULLY SUBMITTED,

July 16, 2025.

THE LAW OFFICE OF  
DAVID CONOR KEYS, LLC  
s/ D. Conor Keys  
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Jason Loy Harn.....Respondent,  
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Mary Nicole Reavis f/k/a Mary Nicole Harn.....Appellant.

CERTIFICATE OF SERVICE

I certify that on this 16<sup>th</sup> day of July 2025, I have served Appellant’s Motion to Reinstate and Final Brief upon all other counsel of record at the email address listed for said counsel on AIS as follows:

BUIST, BYARS & TAYLOR, LLC  
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July 16, 2025

Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals  
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**RE: Jason Loy Harn v Mary Nicole Reavis f/k/a Mary Nicole Harn**  
**Case No. 2021-CP-10-2661**  
**Appellate Case No. 2024-001312**

Madam Clerk:

Enclose please find for filing:

- 1) Appellant's Motion to Reinstate the Appeal;
- 2) Appellant's Final Brief;
- 3) The Record on Appeal;
- 4) a Certificate of Service for the Motion and Brief; and
- 5) a check for the motion fee.

I kindly request that you file the same.

With kind regards,

RESPECTUFLLY SUBMITTED,

THE LAW OFFICE OF  
DAVID CONOR KEYS, LLC



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