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SC Court of Appeals

IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA

Christopher Lawton, Appellant

v.

Discover Bank, Respondent

Appellate Case No. 2025-000833

INITIAL BRIEF OF APPELLANT

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SUMMARY OF THE ARGUMENT

This appeal arises from an improper grant of summary judgment in favor of Discover Bank. The trial court relied on unauthenticated documents and failed to conduct a hearing despite material factual disputes raised by Appellant. Procedural due process was denied, Appellant's objections were disregarded, and the cumulative errors resulted in a constitutionally invalid judgment.

STATEMENT OF ISSUES PRESENTED

1. Whether the trial court erred in granting summary judgment with disputed material facts.
2. Whether the denial of a hearing violated Appellant's due process rights.
3. Whether the trial court improperly accepted unauthenticated documents.
4. Whether Appellant's rights as an in propria persona litigant were improperly disregarded.
5. Whether the cumulative effect of these errors constitutes reversible constitutional violations.

STATEMENT OF THE CASE

Discover Bank sued Appellant for alleged unpaid credit card debt. Appellant responded with a general denial, objected to the evidence, and requested a trial. The trial court granted summary judgment based on written submissions, without a hearing or oral argument, and without ruling on evidentiary objections.

ARGUMENT – I. SUMMARY JUDGMENT IMPROPER

Rule 56(c) SCRPC only allows summary judgment when no material fact is in dispute. Appellant denied liability, challenged the records, and raised questions of account ownership and balance. These disputes precluded summary judgment. See *Baughman v. AT&T*, 306 S.C. 101 (1991).

ARGUMENT – II. VIOLATION OF PROCEDURAL DUE PROCESS

Appellant was never afforded a hearing. Summary judgment was entered on written pleadings, depriving Appellant of the opportunity to argue or present evidence. This violates the Fourteenth Amendment and SC Const. art. I, § 22. See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

ARGUMENT – III. IMPROPER CONSIDERATION OF UNAUTHENTICATED EVIDENCE

The documents submitted by Discover were not authenticated per SCRE 901. The affiant lacked direct knowledge of the account. Hearsay and unauthenticated statements cannot support summary judgment. See *Evans v. Wabash Life Ins. Co.*, 247 S.C. 464 (1966).

ARGUMENT – IV. DENIAL OF ACCESS TO FAIR HEARING

Appellant requested a hearing in writing and objected to summary proceedings. The trial court ignored those requests and ruled without oral argument. This violates fundamental principles of fair process and opportunity to be heard.

ARGUMENT – V. PRO SE LITIGANT PROTECTIONS IGNORED

The court failed to grant procedural leeway to Appellant as an *in propria persona* litigant. Courts must accommodate non-lawyers and construe filings liberally. See *Goodson v. American Bankers Ins. Co.*, 295 S.C. 400 (1988).

ARGUMENT – VI. CONSTITUTIONAL VIOLATIONS UNDER FOURTEENTH AMENDMENT

The cumulative denial of a hearing, reliance on inadmissible documents, and procedural disregard amounted to a denial of due process under the U.S. Constitution. Summary judgment in this context was fundamentally unjust.

CONCLUSION AND PRAYER FOR RELIEF

Appellant respectfully requests the Court reverse the summary judgment order and remand the case for trial, and grant any further relief deemed appropriate.

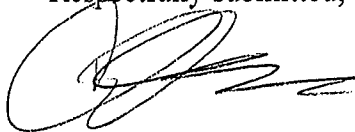
CERTIFICATE OF SERVICE

I certify that a copy of this Initial Brief of Appellant was served via email to the Clerk of Court on July 19, 2025 and will be served via USPS Certified Mail to opposing counsel on July 21, 2025.

MAILING REFERENCE PAGE

Dated: July 19, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher Lawton', with a large, stylized initial 'C'.

/s/ Christopher Lawton

Christopher Lawton

In propria persona

Dated: July 19, 2025