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**Aug 18 2025**

**SC Court of Appeals**

IN THE COURT OF APPEALS  
STATE OF SOUTH CAROLINA

Discover Bank,  
Respondent,

v.

Christopher Saunders Lawton,  
Appellant in propria persona.

Appellate Case No.: 2025-000833

**MOTION FOR LEAVE TO FILE SECOND AMENDED INITIAL BRIEF**

Appellant, Christopher Saunders Lawton, appearing in propria persona, respectfully moves this Honorable Court for leave to file a Second Amended Initial Brief incorporating the “Supplemental Authority” submitted on August 13, 2025 (attached hereto as Exhibit A).

**I. Procedural Background**

1. On July 22, 2025, Appellant filed an Amended Initial Brief in this matter.
2. On August 13, 2025, Appellant submitted a Supplemental Authority Letter pursuant to Rule 208(b)(7), SCACR, identifying additional controlling and persuasive authorities directly relevant to arguments already raised—particularly Argument III (lack of affidavit foundation) and Argument V (ethical duties under Rule 11).
3. By letter dated August 14, 2025, the Clerk’s Office advised that, if Appellant intended this supplemental filing to be integrated into the Initial Brief, a motion for leave to amend must be filed.

**II. Authority for Motion**

Rule 208(b)(7), SCACR, permits the filing of supplemental authority after briefs are filed. Rule 240, SCACR, authorizes this Court to grant motions “for good cause shown.” Where a supplemental filing expands upon argument, formal leave is appropriate to ensure the text becomes part of the official record considered as the party’s brief.

**III. Good Cause Exists for Integration**

Appellant’s August 13, 2025 Supplemental Authority:

- Relies solely on legal authority pertinent to issues already presented in the Amended

Initial Brief;

- Provides additional context and citations from binding precedent, aiding the Court's resolution of questions preserved for appeal;
- Avoids raising new issues, thereby preventing surprise to Respondent; and
- Ensures the record contains the most complete statement of controlling law before submission for decision.

Granting this motion will promote judicial economy by avoiding piecemeal review and obviating the need for additional clarification later in the appellate process.

#### **IV. Lack of Prejudice**

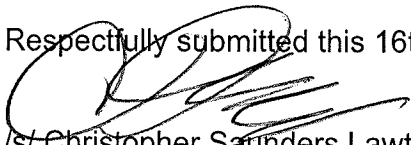
Respondent will suffer no prejudice if leave is granted. The additional authorities pertain to matters fully briefed in the existing record, and Respondent will have an opportunity to address them in any permitted responsive filing.

#### **V. Relief Requested**

WHEREFORE, Appellant respectfully requests that this Court:

1. Grant leave to file the August 13, 2025 Supplemental Authority as part of a Second Amended Initial Brief;
2. Direct that Exhibit A be incorporated into the Initial Brief on file; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 16th day of August, 2025.



/s/ Christopher Saunders Lawton  
Christopher Saunders Lawton  
Appellant in propria persona  
4 Shairpin Lane  
Greenville, SC 29607  
Phone: (864) 325-6400  
Email: chrislawton59@gmail.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing Motion for Leave to File Second Amended Initial Brief, with attached Exhibit A, upon counsel for Respondent by depositing a true and correct copy thereof in the U.S. Mail, postage prepaid, addressed as follows:

Jerry T. Myers, Esquire

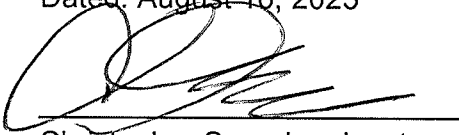
c/o Discover Bank

PO Box 176010

Raleigh, NC 27619-6010

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Dated: August 16, 2025

A handwritten signature in black ink, appearing to read "Christopher Saunders Lawton", written over a horizontal line.

Christopher Saunders Lawton

In propria persona

## **Exhibit A**

Supplemental Authority filed August 13, 2025

*(Appellate Case No. 2025-000833)*

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Aug 13 2025

SC Court of Appeals

# IN THE COURT OF APPEALS

## STATE OF SOUTH CAROLINA

Christopher Saunders Lawton, Appellant,

v.

Discover Bank, Respondent.

Appellate Case No. 2025-000833

## NOTICE OF SUPPLEMENTAL AUTHORITY

Date: August 13, 2025

### Purpose

Appellant submits this Notice under **Rule 208(d), SCACR**, to aid the Court with concise authorities directly tied to the **existing record**. Each point is presented in the format: **Defect → Transcript Excerpt (unaltered) → Key Portion → Authority**, to facilitate efficient review and to **preserve** all issues, including constitutional questions, for further appellate consideration.

### Preamble

Appearing *in propria persona*, Appellant respectfully highlights **foundational procedural defects** that go to the admissibility of the evidence underlying summary judgment and the **fairness of the proceedings**, and separately preserves **constitutional issues**—including **Article I, § 10 (constitutional money)** and the **historical irregularities in the Fourteenth Amendment’s ratification** during Reconstruction—for higher review. The Court can reverse on **narrow procedural grounds**; constitutional issues are **fully preserved**.

## Procedural Defects & Legal Issues – Quick Reference Roadmap

### 1. Affidavit Defect – Lack of Personal Knowledge

Transcript: p. 14, ll. 3–9 Appendix: A–1

Why it matters: **Rule 56(e), SCRPC** requires personal knowledge; conclusory/hearsay affidavits cannot support SJ.

### 2. Improper Counsel Appearance – Non-Affiant Attorney

Transcript: p. 2, ll. 5–12 Appendix: A–2

**Why it matters:** Affiant never appeared for cross-examination; substitute counsel's argument is not evidence.

**3. Summary Judgment Granted Despite Material Disputes**

**Transcript:** p. 22, ll. 15–25; p. 23, ll. 1–5 **Appendix:** A–3

**Why it matters:** Rule 56(c) forbids SJ where genuine issues of material fact remain.

**4. Lack of Standing – Failure to Prove Assignment Chain**

**Transcript:** p. 17, ll. 7–20 **Appendix:** A–4

**Why it matters:** No admissible proof of assignment = **no standing**.

**5. Constitutional Due Process Violations**

**Transcript:** p. 25, ll. 8–17 **Appendix:** A–5

**Why it matters:** No meaningful opportunity to confront unreliable evidence.

**6. Historical Defect – Questionable Ratification of the Fourteenth Amendment**

**Appendix:** A–6

**Why it matters:** Preserves Article V and Reconstruction-era concerns as a constitutional backdrop.

(Added, not removing any above)

**7. Rule 11 / Ethics – Reliance on Unreliable Submissions**

**Transcript/Record:** Affiant absent; no custodian; uncertified records

**Why it matters:** Dispositive relief sought on **defective proof** against a self-represented party.

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## **PART I — PROCEDURAL DEFECTS**

### **DEFECT #1 — Affiant did not appear; counsel tied to the affidavit (Mr. Myers) did not appear; no competent witness with personal knowledge.**

*Transcript (Appearances):* “FOR THE PLAINTIFF: ELIZABETH WRIGHT, ESQUIRE.” (Tr. p. 2, ll. 5–12.)

**Key Portion:** No affiant; no foundation witness; substitute counsel argued without personal knowledge.

**Authority:** Rule 56(e), SCRPC (personal knowledge; competency); SCRE 803(6), 902(11) (business records require custodian/qualified witness or proper certification); *Baughman v. AT&T*, 306 S.C. 101, 410 S.E.2d 537 (1991) (inadmissible/conclusory submissions cannot support SJ); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986) (movant must first present admissible evidence to shift burden).

## **DEFECT #2 — Lack of authentication/foundation for business records; attorney argument treated as evidence.**

*Transcript: (documents argued; no custodian or 902(11) certification offered over foundation objections) (Tr. p. 14, ll. 3–9.)*

**Key Portion: No custodian; no 902(11) certification; records admitted without foundation.**

**Authority: SCRE 803(6), 902(11); Roche v. Young Bros., Inc., 332 S.C. 75, 504 S.E.2d 311 (1998) (authentication prerequisite to admissibility); Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986) (inadmissible materials cannot carry SJ).**

## **DEFECT #3 — Even if Mr. Myers had appeared, the evidentiary defect remains fatal.**

*Transcript cross-tie: the defect is the missing foundation/authentication—not merely who argued.*

**Key Portion: Presence cannot convert hearsay or supply a missing custodian predicate.**

**Authority: Rule 56(e); SCRE 803(6), 902(11); Baughman, 306 S.C. at 109 (SJ requires competent, admissible proof).**

## **DEFECT #4 — Genuine disputes of material fact remained (RFAs/service; record reliability).**

*Transcript: “I filed it with the Court as well as a copy.” Court: issue taken “under advisement.”*

*Respondent: non-receipt. (Tr. p. 22, ll. 15–25; p. 23, ll. 1–5.)*

**Key Portion: Competing factual accounts = genuine disputes.**

**Authority: Rule 56(c), SCRCPP; Anderson, 477 U.S. at 255 (credibility/weighting are for trial, not SJ).**

## **DEFECT #5 — Lack of standing: failure to prove assignment/ownership by admissible evidence.**

*Transcript: challenge to ownership/assignment chain and authentication. (Tr. p. 17, ll. 7–20.)*

**Key Portion: No admissible assignment proof = no standing.**

**Authority: BAC Home Loans Servicing, LP v. Kinder, 398 S.C. 619, 731 S.E.2d 547 (Ct. App. 2012) (plaintiff must prove entitlement to enforce); Fleming v. Rose, 350 S.C. 488, 567 S.E.2d 857 (2002) (standing is jurisdictional).**

## **DEFECT #6 — Due process: no meaningful opportunity to confront/test unreliable evidence.**

*Transcript: “I was non-afforded adequate notice of a meaningful opportunity to contest this debt ....” (Tr. p. 25, ll. 8–17.)*

**Key Portion: Affiant/custodian absent; unauthenticated documents accepted.**

**Authority: Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (procedures must reduce risk of**

erroneous deprivation); S.C. due-process principles parallel *Mathews*; *Mullane v. Central Hanover*, 339 U.S. 306 (1950) (meaningful opportunity to present objections).

## **DEFECT #7 — Rule 11 / Professional Responsibility: dispositive relief pressed on facially unreliable submissions.**

*Record context:* uncertified records; affiant absent; no custodian testimony.

**Key Portion:** Rule 11 certification and RPC 3.3, 4.1 duties were implicated where dispositive relief was sought against a self-represented party on defective proof.

**Authority:** Rule 11, SCRCP; RPC 3.3 (candor); RPC 4.1 (truthfulness) (Rule 407, SCACR).

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## **PART II — CONSTITUTIONAL ISSUES (Preserved)**

### **A. Procedural Due Process (civil)**

*Transcript preservation:* Appellant objected to the lack of a meaningful opportunity to confront/test the evidence and sought a jury on disputed facts.

**Authority:** *Mathews*, 424 U.S. at 333; *Mullane*, 339 U.S. at 314–15.

**Application:** Accepting unauthenticated records without a foundation witness **fails Mathews** and undermines adversarial testing.

### **B. Constitutional Money — Article I, § 10 (Preserved)**

*Record:* Appellant challenged the constitutional framework for enforcing private credit obligations vis-à-vis tender.

**Authority/Preservation:** Federal legal-tender power is recognized (e.g., *Knox v. Lee*, 79 U.S. (12 Wall.) 457 (1871); *Juilliard v. Greenman*, 110 U.S. 421 (1884)), but Appellant **preserves** an **as-applied** challenge within state-court enforcement contexts.

**Application:** The Court may resolve on **procedural grounds**, while **preserving** this question for higher review.

### **C. Fourteenth Amendment Ratification — (Historical Due-Process Concern; Preserved)**

*Record:* Appellant raised that Southern States were under **military governance** and ratification was a condition of readmission during Reconstruction.

**Summary:** The **Reconstruction Acts of 1867** placed Southern states under military rule; legislatures were **reorganized** prior to ratification votes. Congressional debates reflect **coercive conditions**. While courts often treat Article V ratification disputes as **political questions** (*Coleman v. Miller*, 307 U.S.

433 (1939)), these **historical irregularities** are preserved here as part of a broader **due-process** challenge to the assumptions used below.

**Application:** The Court can reverse on narrow evidentiary grounds; the **Article V / Fourteenth Amendment** issues remain **preserved** for further review.

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## Conclusion & Relief Requested

The judgment rests on **inadmissible evidence** and **procedural nullities**: no affiant; no custodian; no certification; **genuine disputes** unresolved; and due-process safeguards not honored. **Even if Mr. Myers** had appeared, **the foundation/authentication defects remain fatal** to summary judgment under **Rule 56** and **SCRE 803(6)/902(11)**.

**Relief:** Appellant respectfully requests that this Court **reverse** the summary judgment or **vacate and remand** for proceedings consistent with the Rules of Evidence and due process. In all events, the **constitutional issues** noted herein are **preserved** for higher review.

---

## Certificate of Service

I certify that on **August 13, 2025**, I filed this **Notice of Supplemental Authority** with the South Carolina Court of Appeals by email to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org), and served a copy via **USPS Certified Mail** to:

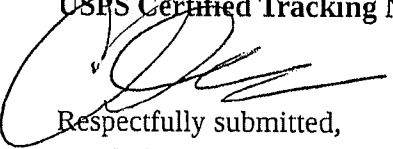
**Jerry T. Myers, Esquire**

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Respectfully submitted,

/s/ **Christopher Saunders Lawton**

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Appearing *in propria persona*

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# APPENDIX (Integrated – new page)

## Purpose of Appendix

These materials are provided to **speed verification** of the defects and authorities cited. Each item is **cross-referenced** in the main text.

### A-1 — Transcript (Affiant/Counsel Absence; Appearances)

Supports DEFECT #1: “*FOR THE PLAINTIFF: ELIZABETH WRIGHT, ESQUIRE.*”

(Affiant/counsel named on affidavit, **Mr. Myers**, did **not** appear.)

Pinpoint: p. 2, ll. 5–12

### A-2 — Transcript (No Custodian/No 902(11) Certification)

Supports DEFECT #2: Argument relied on documents; **no custodian** or **Rule 902(11)** certification offered.

Pinpoint: p. 14, ll. 3–9 (foundation challenge context)

### A-3 — Transcript (Genuine Disputes; RFAs/Service)

Supports DEFECT #4: Appellant: “*I filed it with the Court as well as a copy.*” Court took issue “**under advisement.**” Respondent asserted non-receipt.

Pinpoints: p. 22, ll. 15–25; p. 23, ll. 1–5

### A-4 — Transcript (Standing/Assignment Challenge)

Supports Lack of Standing: Challenge to ownership/assignment chain and authentication.

Pinpoint: p. 17, ll. 7–20

### A-5 — Transcript (Due-Process Preservation)

Supports DEFECT #6: “*I was non-afforded adequate notice of a meaningful opportunity to contest this debt...*”

Pinpoint: p. 25, ll. 8–17

### A-6 — Constitutional & Historical Materials

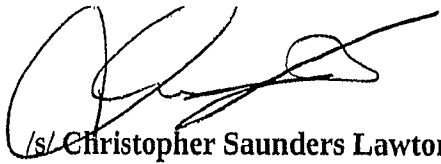
- Reconstruction Acts of 1867 (selected sections).
  - Congressional Globe/Record excerpts (39th Cong., 1st & 2nd Sess.) reflecting **military governance** and **reorganized legislatures** prior to ratification.
  - U.S. Const. art. I, § 10 (money/tender) and Amend. XIV (text).
-

## Pinpoint Index (Quick Reference)

- **Defect #1:** Appearances (Affiant/counsel absence) → **A-1**; Tr. p. 2, ll. 5–12
  - **Defect #2:** No custodian/902(11) → **A-2**; Tr. p. 14, ll. 3–9
  - **Defect #3:** *Even if present*, foundation still missing → **A-2**; Rules in main text
  - **Defect #4:** Genuine disputes (RFAs/Service) → **A-3**; Tr. p. 22, ll. 15–25; p. 23, ll. 1–5
  - **Defect #5:** Standing (assignment chain) → **A-4**; Tr. p. 17, ll. 7–20
  - **Defect #6:** Due process preservation → **A-5**; Tr. p. 25, ll. 8–17
  - **Historical materials:** **A-6** (Reconstruction Acts; Congressional Record; Art. I, § 10; Amend. XIV)
- 

## Notes on Citations (inline, clean style)

- **Rule 56(c), (e), SCRCP** — burden/prima facie showing; personal knowledge.
  - **SCRE 803(6), 902(11)** — business-records predicate/self-authentication.
  - **Baughman v. AT&T**, 306 S.C. 101, 410 S.E.2d 537 (1991) — **inadmissible/conclusory showings cannot support SJ.**
  - **Celotex v. Catrett**, 477 U.S. 317 (1986) — **movant must produce admissible evidence to shift burden.**
  - **Anderson v. Liberty Lobby**, 477 U.S. 242 (1986) — **no SJ where genuine disputes; inadmissible materials insufficient.**
  - **Mathews v. Eldridge**, 424 U.S. 319 (1976) — **due-process framework.**
  - **Mullane v. Central Hanover**, 339 U.S. 306 (1950) — **meaningful opportunity to be heard.**
  - **Roche v. Young Bros.**, 332 S.C. 75, 504 S.E.2d 311 (1998) — **authentication prerequisite.**
  - **BAC Home Loans v. Kinder**, 398 S.C. 619, 731 S.E.2d 547 (Ct. App. 2012) — **standing/entitlement to enforce.**
  - **Fleming v. Rose**, 350 S.C. 488, 567 S.E.2d 857 (2002) — **standing is jurisdictional.**
  - **Knox v. Lee**, 79 U.S. (12 Wall.) 457 (1871); **Juilliard v. Greenman**, 110 U.S. 421 (1884) — **legal-tender authority** (preservation context).
  - **Coleman v. Miller**, 307 U.S. 433 (1939) — **ratification disputes often political question** (preservation note).
  - **Rule 11, SCRCP; RPC 3.3 & 4.1** (Rule 407, SCACR) — **candor/truthfulness; evidentiary support.**
-



**/s/ Christopher Saunders Lawton**

**Date: August 13, 2025**



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