

Sep 08 2025

SC Court of Appeals

SUPPLEMENT AND RENEWED EMERGENCY MOTION FOR STAY PENDING APPEAL

STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS , with case No:2024-CP-1801459

SUPPLEMENT AND RENEWED EMERGENCY MOTION FOR STAY

PENDING APPEAL COMES NOW the Appellant, by pro se filing, respectfully renewing and supplementing the Emergency Motion for Stay Pending Appeal filed on September 4, 2025, and states as follows: BACKGROUND 1. On September 4, 2025, Appellant timely filed an Emergency Motion for Stay Pending Appeal pursuant to Rule 225, SCACR. That motion remains pending and has not been ruled upon by this Court. 2. Despite the filing of the Notice of Appeal and the transfer of jurisdiction to this Court pursuant to Rule 205, SCACR, the Dorchester County Circuit Court continues to proceed as if no appeal exists. 3. Specifically, the Circuit Court has scheduled: • A hearing on September 15, 2025, in Quiet Title Action No. 2025-CP-18-01527, concerning the same property and ownership issues that are already before this Court. • A hearing on October 6, 2025, in Case No. 2024-CP-18-01459, the very case now under appeal, where Judge Goodstein has consolidated four separate motions into one rushed virtual hearing. 4. Both hearings are outside the jurisdiction of the Circuit Court and are in direct conflict with the pending appeal. ARGUMENT 5. Rule 205, SCACR provides that upon service of a Notice of Appeal, jurisdiction over the appealed matters lies exclusively with this Court. The trial court is divested of jurisdiction except for collateral matters not affecting the subject of the appeal. 6. By proceeding to schedule hearings in both Case No. 2025-CP-18-01527 and Case No. 2024-CP-18-01459, the trial court is acting without jurisdiction. 7. The September 15 hearing is particularly egregious: both Dorchester County and D.R. Horton are in default, and yet Judge Murphy has scheduled a dismissal hearing in their favor. Such a hearing should not exist during a pending appeal and is a plain violation of due process. 8. The October 6 hearing compounds the harm: Judge Goodstein has compressed four substantive motions into a single short virtual session, denying Appellant a fair opportunity to be heard. 9. These actions demonstrate not only disregard of this Court's jurisdiction, but also

open defiance of appellate authority. If not immediately restrained, Appellant will suffer irreparable harm, the integrity of the appeal will be destroyed, and lower-court actors will continue to undermine the appellate process. 10. The actions of the Dorchester County Circuit Court not only violate Rule 205, SCACR, but also infringe upon Appellant's constitutional rights. By rushing hearings, disregarding defaults, and attempting to dismiss cases that are already within this Court's jurisdiction, the trial court has deprived Appellant of the right to due process and a fair trial under the Fourteenth Amendment to the United States Constitution and Article I, Section 3 of the South Carolina Constitution. This conduct undermines equal protection of the law and demonstrates bias in favor of opposing parties, while openly defying the supervisory authority of the Court of Appeals. RELIEF REQUESTED WHEREFORE, Appellant respectfully prays that this Court: A. Issue an immediate stay order halting all proceedings in Dorchester County Circuit Court in Case Nos. 2024-CP-18-01459 and 2025-CP-18-01527, including but not limited to the hearings set for September 15, 2025, and October 6, 2025; B. Declare that the trial court is divested of jurisdiction over the appealed matters under Rule 205, SCACR; C. Direct the lower court to take no further action on Wise Lane matters until this appeal is resolved; D. Recognize that the lower court's actions constitute ongoing violations of Appellant's civil rights and due process, and that immediate intervention by this Court is necessary to prevent further constitutional harm; and Grant such other relief as this Court deems just and proper.

Appellants/Pro se

Respectfully submitted

Attia Elbadawy 
493 Wise Road
Summerville, SC 29483
843-641-8556
ala_international@yahoo.com

IN THE SOUTH CAROLINA COURT OF APPEALS

CASE No: 001299

Case No. 2024-CP-1801459

Case No: 2025-CP-1801527

Appellant: Attia Elbadawy

OBJECTION TO TRIAL COURT PROCEEDINGS PENDING APPEAL

Jurisdiction Divested by Writ of Supersedeas

A writ of supersedeas was filed to stay proceedings in the trial court. Under South Carolina appellate procedure, the trial court is divested of authority over matters encompassed by the appeal.

Failure of Judge Murphy to Return Record

Judge Murphy was required to transmit the record on appeal by August 28, 2025. That deadline passed without compliance. This procedural failure cannot justify the trial court retaining jurisdiction.

Improper Scheduling of Hearings

Despite the pending appeal, multiple hearings have been scheduled: September 15, 2025 With Judge Murphy Quiet Title Action (already subject to Emergency Motion for Stay Pending Appeal) and October 6, 2025 (several motions scheduled in only 20 minutes). These actions directly conflict with the supersedeas stay.

Substitution of Judges Without Authority

Judge Goodstein is proceeding to hear motions that Judge Murphy would have presided over. This substitution does not cure the jurisdictional defect—no judge of the trial court may hear these matters while the appeal is active.

Conflict With Pending Appeal

The motions scheduled and heard involve the very issues on appeal, including injunction, ownership rights, and defaults. Proceeding in the trial court risks contradictory rulings and undermines appellate review.

Abuse of Process

Litigating the same matters simultaneously in the appellate and trial courts imposes an undue burden on Appellant. It contradicts the purpose of a supersedeas, which is to preserve the status quo and prevent conflicting litigation.

Relief Requested

- Immediate enforcement of the writ of supersedeas.
- Direction from the Court of Appeals to the Dorchester County Circuit Court to cease all further hearings and rulings pending resolution of the appeal.
- Vacatur of any orders or rulings already entered in violation of the writ.

Respectfully submitted,

Attia Elbadawy
493 Wise Road
Summerville SC 29483
ala_internationalyahoo.com
843-641-8556

A handwritten signature in black ink, appearing to read 'Attia Elbadawy', with a stylized flourish at the end.

EXHIBIT A

October 6, 2025 Scheduling Abuses

Docket Printout

From the Dorchester County Public Index, case 2024-CP-18-01459, the docket reflects fourteen (14) separate 'Motion/Order Filing Fees' entries clustered for hearing on October 6, 2025. These are identified in sequence as items 15 through 28. The court has set these for a single twenty-minute hearing block.

Legal Violations and Precedent

Jurisdictional Overreach

Once a writ of supersedeas is filed, the lower court loses jurisdiction over issues on appeal. Scheduling hearings during an active supersedeas violates Rule 241, SCACR.

State v. Harris, 268 S.C. 117 (1977)

Trial court lacked jurisdiction once appeal perfected; all further proceedings were void.

Ex parte Bowers, 275 S.C. 361 (1980)

A supersedeas maintains the status quo pending appeal and bars further trial court action.

Due Process Violation

Stacking 14 motions into a 20-minute block deprives appellant of meaningful hearing time. Mathews v. Eldridge, 424 U.S. 319 (1976) requires a genuine opportunity to be heard.

Abuse of Process

Mass scheduling of motions under appellate review is a perversion of procedure. See Huggins v. Winn-Dixie Greenville, Inc., 252 S.C. 353 (1969).

EXHIBIT B

Missing Appellate Authorization

Case View Review

From the Dorchester County Public Index (updated case view as of September 7, 2025), the docket reflects Judge Diane Goodstein scheduled to hear multiple motions on October 6, 2025. These matters remain pending despite the prior filing of a writ of supersedeas. Nowhere in the case view record is there any notation or order indicating that the South Carolina Court of Appeals authorized the Circuit Court to proceed.

Legal Context

Supersedeas Effect

Under Rule 241, SCACR, a writ of supersedeas divests the trial court of jurisdiction over matters on appeal unless the appellate court expressly orders otherwise.

Lack of Appellate Order

If the Court of Appeals had authorized further trial court proceedings, such an order would appear on the appellate docket and be served on all parties. No such order appears in the record provided.

Due Process Concerns

Proceeding without notice or written authorization from the appellate court raises due process violations, as parties must be informed of any change in jurisdiction.

Conclusion

The October 6, 2025 scheduling appears to have been undertaken unilaterally by the trial court. There is no evidence in the case record that the Court of Appeals granted permission. This supports Appellant's position that the lower court is acting without jurisdiction.

EXHIBIT C

Supersedeas Authority – Status Quo Pending Appeal

A writ of supersedeas is designed to maintain the status quo pending appeal and divests the trial court of jurisdiction over the matters on appeal. Any further trial court action on those matters is barred.

Points and Authorities

Rule 241, South Carolina Appellate Court Rules (SCACR)

Provides that the filing of a supersedeas stays proceedings in the trial court on the matters involved in the appeal.

Ex parte Bowers, 275 S.C. 361 (1980)

Held that a supersedeas maintains the status quo pending appeal and bars further trial court action.

State v. Harris, 268 S.C. 117 (1977)

Confirmed that once an appeal is perfected, the trial court lacks jurisdiction and all subsequent proceedings are void.

Due Process – Mathews v. Eldridge, 424 U.S. 319 (1976)

Due process requires a meaningful opportunity to be heard. Forcing hearings during a supersedeas stay undermines this principle.

Abuse of Process – Huggins v. Winn-Dixie Greenville, Inc., 252 S.C. 353 (1969)

Misusing court procedure to advance an improper purpose constitutes abuse of process. Proceeding despite a supersedeas fits this category.

Conclusion

The law is clear: a supersedeas halts all trial court proceedings on the appealed matters. By scheduling and hearing motions after the supersedeas was filed, the Dorchester County trial court is acting outside its jurisdiction, in violation of Rule 241, SCACR, and established case law.

Dorchester County

First Judicial Circuit

Public Index

[Dorchester County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

Attia Elbadawy , plaintiff, et al VS D R Horton , defendant, et al

Case Number:2024CP1801459

Court Agency:Common Pleas

Filed Date:09/05/2024

Case Type:Common Pleas

Case Sub Type:Real Prop/Other 499

File Type:Non-Jury

Status:Pending

Assigned Judge:Clerk Of Court C P, G S, And Family Court

Disposition:

Disposition Date:

Disposition Judge:

Original Source Doc:

Original Case #:

Judgment Number:

Court Roster:

Case PartiesJudgmentsTax Map InformationAssociated CasesActionsFinancials

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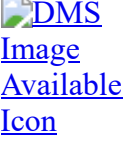
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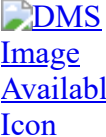
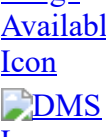
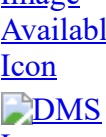
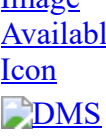
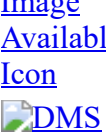
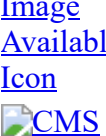
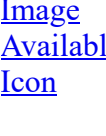
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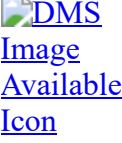
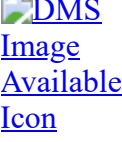
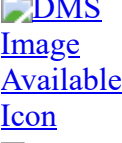
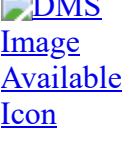
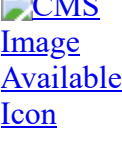
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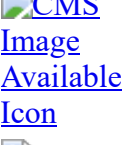
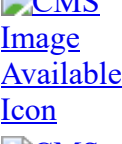
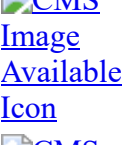
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Elbadawy, Attia	Order Remanding to Circuit Court	Order		08/15/2025-16:53	08/18/2025-16:53 
Elbadawy, Attia	Service/Proof Of DR Horton	Filing		08/05/2025-09:00	
Elbadawy, Attia	Service/Certificate Of Service	Filing		07/30/2025-14:01	
Elbadawy, Attia	Motion/Motion to Strike Defendant's Motion To Compel ADR	Motion	10/6/25 WEBEX Motion Roster-Hon. Diane Goodstein	07/30/2025-13:55	
D.R. Horton, Inc.	NEF(07-24-2025 05:13:11 PM) Motion/Compel	Filing		07/25/2025-08:40	
D.R. Horton, Inc.	Motion/Compel	Motion	10/6/25 WEBEX Motion Roster-Hon. Diane Goodstein	07/24/2025-17:13	 
Elbadawy, Attia	ADR/Notice of ADR	Action		07/24/2025-10:31	
Elbadawy, Attia	Courtesy Copy of Motion to Stay with COA	Filing		07/21/2025-13:16	
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Elbadawy, Attia	Service/Proof Of Delivery #1	Filing		07/03/2025-16:11	

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Elbadawy, Attia	Appeal/Notice of Appeal to Court of Appeals	Filing		06/30/2025-16:47	
Elbadawy, Attia	Service/Proof Of Delivery #2	Filing		06/30/2025-16:44	
Elbadawy, Attia	Service/Proof Of Delivery #1	Filing		06/30/2025-16:43	
Elbadawy, Attia	Motion/Strike Third Party Def's Answer	Motion	10/6/25 WEBEX Motion Roster-Hon. Diane Goodstein	06/30/2025-12:15	
Elbadawy, Attia	Motion/Stay Pending Appeal for Motion Injunction	Motion	10/6/25 WEBEX Motion Roster-Hon. Diane Goodstein	06/30/2025-12:14	
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Elbadawy, Attia	Motion/Recuse Hon. Maite Murphy (includ. Email Mr. Frampton)	Motion	10/6/25 WEBEX Motion Roster-Hon. Diane Goodstein	06/27/2025-14:13	
Elbadawy, Attia	Service/Certificate Of Service (1)	Filing		06/27/2025-14:12	
Elbadawy, Attia	Motion/Strike DR Hortons Partial Summary Judgment	Motion	10/6/25 WEBEX Motion Roster-Hon. Diane Goodstein	06/27/2025-14:12	 
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D.R. Horton, Inc.	NEF(06-23-2025 09:02:02 AM) Motion/Summary Judgment	Filing		06/23/2025-09:05		 DMS Image Available Icon

D.R. Horton, Inc.	Motion/Summary Judgment	Motion	10/6/25 WEBEX Motion Roster- Hon. Diane Goodstein	06/23/2025- 09:02	
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D.R. Horton, Inc.	NEF(06-18-2025 08:51:20 AM) Memo/Memo in Opposition	Filing		06/18/2025- 08:52	
D.R. Horton, Inc.	Memo/Memo in Opposition	Filing		06/18/2025- 08:51	
Dorchester County	NEF(06-17-2025 01:54:59 PM) Answer/Third Party Answer	Filing		06/17/2025- 13:56	
Dorchester County	Answer/Third Party Answer	Filing		06/17/2025- 13:54	
Dorchester County	Notice/Notice of Appearance	Filing		06/17/2025- 13:54	
Elbadawy, Attia	Service/Certificate Of Service	Filing		06/16/2025- 16:27	
Elbadawy, Attia	Service/Certificate Of Service	Filing		06/16/2025- 11:28	
Elbadawy, Attia	Motion/Strike	Motion	10/6/25 WEBEX Motion Roster- Hon. Diane Goodstein	06/16/2025- 11:27	
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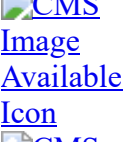
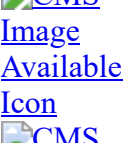
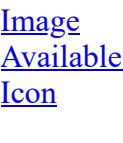
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Elbadawy, Attia	Service/Proof Of Delivery	Filing	06/09/2025-16:53		
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Elbadawy, Attia	Memo/Memo in Support plfs Mo for Declaratory Judgment	Filing		06/05/2025-16:27	
Elbadawy, Attia	Evidence to Support Mo to Reconsider/Exhibits K & R	Filing		06/05/2025-16:26	
Elbadawy, Attia	Motion to Extend or Reopen Discovery Deadline	Motion	10/6/25 WEBEX Motion Roster-Hon. Diane Goodstein	06/05/2025-16:12	
Elbadawy, Attia	Motion for Declaratory Judgment	Motion	10/6/25 WEBEX Motion Roster-Hon. Diane Goodstein	06/05/2025-08:56	 
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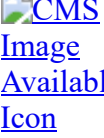
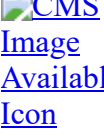
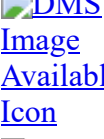
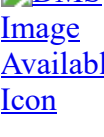
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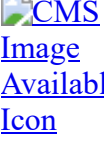
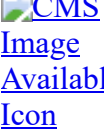
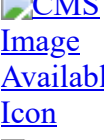
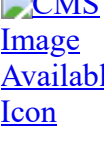
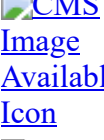
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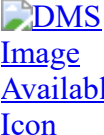
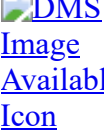
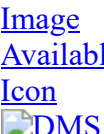
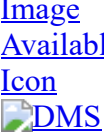
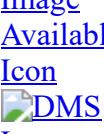
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Elbadawy, Attia	Service/Certificate Of Service/Affidavit of Attia Elbadawy	Filing	05/14/2025-16:10	
Elbadawy, Attia	Motion/Reconsider/Exhibits/Judge Murphy	Motion	05/14/2025-15:12	06/23/2025-15:12 
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Elbadawy, Attia	Service/Proof Of Service	Filing	02/11/2025-09:28	
Elbadawy, Attia	Additional Evidence and Affidavit of Steve Meyer	Filing	02/06/2025-16:08	
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Elbadawy, Attia	Service/Proof Of Service	Filing	01/28/2025-09:53	
Elbadawy, Attia	Affidavit/Affidavit of Neighbor Amanda Wise	Filing	01/24/2025-12:52	
Elbadawy, Attia	Plaintiffs Adding More Evidence	Filing	01/24/2025-12:50	
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Elbadawy, Attia	Notice/Plaintiff' Notice of Filing/Exhibit #5	Filing	01/10/2025-16:44	01/10/2025-09:50 
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Elbadawy, Attia	Review with County Lawyer/Exhibit 4	Filing	12/30/2024-15:06	
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Elbadawy, Attia	1/21/2025_MOTION_Roster/Notice of Case Roster Publication Se	Filing	12/20/2024-11:44	
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Bible, Mark Anthony Jr.	1/21/2025_MOTION_Roster/Notice of Case Roster Publication Se	Action	12/20/2024-09:59	
Elbadawy, Attia	USPS Tracking	Filing	11/15/2024-14:51	
Elbadawy, Attia	Service/Proof Of Service Of S/C on D R Horton	Filing	11/14/2024-10:50	12/02/2024-10:50 
Elbadawy, Attia	Exhibit/Filing of Exhibits 1-3	Filing	11/12/2024-13:12	
Elbadawy, Attia	Reply to Defendants Third-Party Counterclaim and Service	Filing	11/12/2024-13:09	
Chatlos, Lynne	11/12/2024_MOTION_Roster/Notice of Case Roster Publication S	Filing	10/25/2024-10:50	
Elbadawy, Attia	11/12/2024_MOTION_Roster/Notice of Case Roster Publication S	Filing	10/25/2024-10:50	

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D.R. Horton, Inc.	Service/Acceptance Of Service on Dorchester County	Filing	10/23/2024-09:19	
D R Horton	Service/Certificate Of Service	Filing	10/11/2024-16:53	
D R Horton	Notice/Notice of Appearance	Filing	10/11/2024-16:53	
D.R. Horton, Inc.	Notice/Notice of Appearance	Filing	10/11/2024-16:44	
D.R. Horton, Inc.	Answer/Answer and Third Party Summons and Complaint	Filing	10/11/2024-16:44	
				
Elbadawy, Attia	11/12/2024 MOTION Roster/Notice of Case Roster Publication S	Filing	10/11/2024-13:51	
Chatlos, Lynne	11/12/2024 MOTION Roster/Notice of Case Roster Publication S	Filing	10/11/2024-13:51	
Elbadawy, Attia	Service/Affidavit Of Service	Filing	09/27/2024-13:57	09/27/2024-10:54 

Elbadawy, Attia	Motion/Injunction	Motion	09/05/2024- 11:57	01/21/2025- 11:57	
Elbadawy, Attia	Summons & Complaint	Filing	09/05/2024- 11:46		

Dorchester County

First Judicial Circuit

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Switch View

Attia Elbadawy VS Dorchester County

Case Number: 2025CP1801527

Court Agency: Common Pleas

Filed Date: 07/03/2025

Case Type: Common Pleas

Case Sub Type: Real Prop/Other 499

File Type: Jury

Status: Pending

Assigned Judge: Clerk Of Court C P, G S, And Family Court

Disposition:

Disposition Date:

Disposition Judge:

Original Source Doc:

Original Case #:

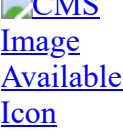
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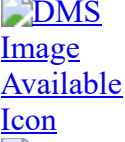
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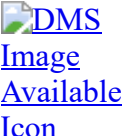
Case PartiesJudgmentsTax Map InformationAssociated CasesActionsFinancials

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Elbadawy, Attia	Schedule for Review	Action		12/20/2025-15:34		
Elbadawy, Attia	Service/Proof Of Kenson, Dudley & Crawford LLC			08/29/2025-08:51		
Elbadawy, Attia	Service/Proof Of Dorchester Co Attys	Filing		08/29/2025-08:50		
Elbadawy, Attia	Statement for Courthouse	Filing		08/29/2025-08:49		
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Elbadawy, Attia	9/15/2025_MOTION_Roster/Notice Filing of Case Roster Publication Se	08/27/2025- 09:21	
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Bible, Mark Anthony Jr.	9/15/2025_MOTION_Roster/Notice of Case Roster Publication Se	Action	08/20/2025-15:21	
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[Hon. Maite
Murphy](#)

Elbadawy, Attia	Certificate/Certificate of Service	Filing	07/18/2025-10:06	
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Elbadawy, Attia	Service/Proof Of Delivery on County Admin	Filing	07/14/2025-15:08	
Elbadawy, Attia	Service/Proof Of Delivery on Dorchester County Atty	Filing	07/14/2025-15:07	
Elbadawy, Attia	Service/Proof Of Delivery	Filing	07/07/2025-15:21	
Elbadawy, Attia	Amended Motion Coversheet/Motion	Filing	07/07/2025-15:04	
Elbadawy, Attia	Memo/Memo in Support	Filing	07/03/2025-15:58	
Elbadawy, Attia	Service/Certificate Of Service on DC Administrator Office 3	Filing	07/03/2025-15:54	
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Elbadawy, Attia	Service/Certificate Of Service on DC Attorney Office 3	Filing	07/03/2025-15:54	
Elbadawy, Attia	Service/Certificate Of Service on DC Administrator Office 2	Filing	07/03/2025-15:53	
Elbadawy, Attia	Service/Certificate Of Service on D R Horton Attorney 2	Filing	07/03/2025-15:47	

Elbadawy, Attia	Service/Certificate Of Service on DC Attorney Office 2	Filing		07/03/2025-15:47	
Elbadawy, Attia	Motion/Injunction	Motion	9/15/25 WEBEX Motion Roster- Hon. Maite Murphy	07/03/2025-15:46	
Elbadawy, Attia	Service/Certificate Of Service on DC Attonreys Office 1	Filing		07/03/2025-15:42	
Elbadawy, Attia	Service/Certificate Of Service on D R Horton Attorney 1	Filing		07/03/2025-15:42	
Elbadawy, Attia	Service/Certificate Of Service on DC Administrator Office 1	Filing		07/03/2025-15:42	
Elbadawy, Attia	Summons & Complaint	Filing		07/03/2025-15:25	

RECEIVED

Sep 08 2025

SC Court of Appeals

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE I hereby certify that I have served a true and correct copy of the foregoing Supplement and Renewed Emergency Motion for Stay Pending Appeal upon all parties by depositing the same in the United States Mail, postage prepaid, addressed as follows:

D R Horton
Mark Bible
325 W McBee Avenue
Suite #301
Greenville, SC 29601

Attia Elbadawy



493 Wise Road
Summerville SC 29483
ala_international@yahoo.com
843-641-8556

SOUTH CAROLINA COURT OF APPEALS
CASE No: 001299

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Sep 08 2025

SC Court of Appeals

Attia Elbadawy 493 Wise Road Summerville, SC 29483 843-641-8556

September 7, 2025 Clerk of Court South Carolina Court of Appeals 1220 Senate

Street Columbia, SC 29201 Re: Appellant's Supplement and Renewed Emergency
Motion for Stay Pending Appeal Case No.: 001299

Clerk of Court: Enclosed for filing please find Appellant's Supplement and Renewed
Emergency Motion for Stay Pending Appeal. This matter is urgent. Appellant's original
Emergency Stay Motion was filed on September 2, 2025, and remains pending

without ruling. Meanwhile, the Dorchester County Circuit Court has scheduled a
hearing for September 15, 2025, in Quiet Title Case No. 2025-CP-18-01527 with Judge Murphy,
further hearing on October 6, 2025, in Case No. 2024-CP-18-01459—the very case
presently before this Court on appeal. These actions by the trial court directly conflict
with Rule 205, SCACR, and violate Appellant's constitutional rights to due process
and a fair trial. Immediate action from this Court is necessary to preserve appellate
jurisdiction and prevent irreparable harm. Thank you for your prompt attention to this urgent matter.

Name], Pro Se Appellant

Attia Elbadawy 
493 Wise Road
Summerville, SC 29483
843-641-8556
ala_international@yahoo.com