

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

The Honorable Eugene C. Griffith, Jr.

Circuit Court Case No. 2024-CP-36200687
Appellate Case No. 2024-001360

RECEIVED

SEP 11 2025

SC Court of Appeals

Abdellah El Farissi, Appellant,

V.

Newberry College, Respondent.

SUR-REPLY IN OPPOSITION TO RESPONDENT'S MOTION TO STRIKE

Appellant Abdellah El Farissi (“Appellant”), Pro Se, respectfully submits this Sur-Reply in opposition to Respondent Newberry College’s Motion to Strike. Respondent asks this Honorable Court to strike Appellant’s Motion Reply Brief as untimely under Rules 208 and 211, SCACR. However, Respondent’s arguments mischaracterize both the rules and the record, and striking Appellant’s filing would undermine the appellate process by preventing the Court from considering clarifications necessary for a fair determination of this appeal.

I. Rule 240(b) Grants the Court Discretion to Accept Supplemental Filings

Respondent argues that Rule 240(b), SCACR, applies only to motions or petitions and cannot be invoked to allow a supplemental brief. This is an unduly narrow reading. Rule 240(b) explicitly provides that “[t]he court, for good cause shown, may relieve a party of compliance with any of these rules.” The plain text gives this Honorable Court broad discretion to suspend or modify strict deadlines where fairness requires.

South Carolina appellate courts have recognized that Rule 240(b) embodies the Court’s inherent authority to manage its docket and prevent unjust outcomes. In *I’On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 526 S.E.2d 716 (2000), the Supreme Court reaffirmed the principle that appellate courts retain the flexibility to consider issues not strictly preserved when necessary to ensure justice. Similarly, in *State v. McKennedy*, 348 S.C. 270, 559 S.E.2d 850 (2002), the Court emphasized that procedural rules “are designed to promote, not defeat, the ends of justice.” Rule 240(b) codifies that principle by empowering this Honorable Court to accept supplemental filings for good cause, even when strict deadlines have passed.

II. Federal Analogy Confirms Courts May Allow Supplemental Replies in the Interest of Fairness

Federal appellate courts likewise recognize the necessity of supplemental briefing when new issues are raised or emphasized. For example, the Fourth Circuit has noted that courts may allow supplemental briefing “to clarify the issues or address matters raised for the first time” when fairness requires. See *United States v. Gastiburo*, 16 F.3d 582, 589 n.9 (4th Cir. 1994) (acknowledging supplemental briefs can be permitted where the opposing party raises new arguments). Other federal courts have applied the same principle, holding that a sur-reply or supplemental filing is appropriate when it serves to “rebut new arguments made in a reply brief.” See *Khoury v. Meserve*, 268 F. Supp. 2d 600, 605 (D. Md. 2003).

Thus, the practice of permitting supplemental briefs is not unique but part of a broader judicial tradition of ensuring a complete and fair record. This Honorable Court has full authority under Rule 240(b) to adopt the same approach here.

III. Respondent’s Final Brief Introduced New Emphases and Mischaracterizations

Respondent insists its Initial and Final Briefs are “identical” under Rule 211(b). While Rule 211 requires consistency in form, Respondent’s Final Brief placed new emphasis on certain arguments that had not been squarely developed before. For example, Respondent expanded its claim that Appellant’s Fourth Amendment, promotion, and judicial bias issues were

“unpreserved,” citing additional authority and reframing them as newly-invented appellate theories. This broader framing required clarification by Appellant to demonstrate that his arguments were in fact raised in substance and preserved through contemporaneous objections and filings.

Respondent also repeated its interpretation of the Federal Wiretap Act, 18 U.S.C. § 2511(2)(d), without acknowledging the “criminal or tortious purpose” exception, thereby omitting a critical part of the statute. Appellant’s supplemental reply sought only to correct that omission and ensure the Court had the full picture. This is not an attempt to raise new issues, but to prevent distortion of existing ones.

IV. No Prejudice to Respondent, Substantial Prejudice to Appellant if Struck

Allowing Appellant’s Motion Reply Brief does not prejudice Respondent; their arguments are already fully presented in their Final Brief. By contrast, striking Appellant’s filing would unfairly silence clarifications necessary for the Court’s informed review. The balance of equities favors permitting the supplemental filing, particularly given Appellant’s Pro Se status and the strong judicial policy of resolving cases on the merits rather than technicalities.

Conclusion

For these reasons, Appellant respectfully requests that this Honorable Court deny Respondent’s Motion to Strike, exercise its discretion under Rule 240(b), and accept Appellant’s Motion Reply Brief as a limited supplemental filing to clarify issues that Respondent’s Final Brief mischaracterized or newly emphasized.

Respectfully submitted,

Abdellah El Farissi
Pro Se Appellant
135 Doverside Dr
Columbia, SC 29212
(954) 274-4475
1tennis.key@gmail.com

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

SEP 11 2025
SC Court of Appeals

Eugene C. Griffith Jr., Circuit Court Judge

Circuit Court Case No. 2024-CP-36-00087
Appellate Case No. 2024-001360

Abdellah El Farissi, Appellant,

V.

Newberry College, Respondent.

PROOF OF SERVICE

I certify that I have served the Sur-Reply in Opposition to Respondent's Motion to Strike on Newberry College by serving a copy of it to their attorney of record, Sheila M. Abron, by email and via U.S. Mail at her office located at 1320 Main St. Suite 750, Columbia, South Carolina, 29201.

September 11, 2025

Abdellah El Farissi
Pro Se Appellant
135 Doverside Dr
Columbia, SC 29212
(954) 274-4475
ltennis.key@gmail.com