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SEP 12 2025

SC Court of Appeals

IN THE SOUTH CAROLINA COURT OF APPEALS

**Walter R. Hoover, Jr., Claimant/Appellant**

v.

**Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier,**

Defendants/Respondents.

Appellate Case No.: 2025-001248

**APPELLANT'S RESPONSE IN OPPOSITION TO RESPONDENTS' MOTION TO  
DISMISS**

Filed by:

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Filed: September 12, 2025

## **RESPONSE IN OPPOSITION TO RESPONDENTS' MOTION TO DISMISS**

Appellant, Walter R. Hoover, Jr., appearing pro se, respectfully submits this Response in Opposition to Respondents' Motion to Dismiss filed September 10, 2025, pursuant to Rules 240 and 260, SCACR.

### **I. INTRODUCTION**

Respondents seek dismissal of this appeal on procedural grounds, alleging "blatant disregard" for the Court's rules. Their motion mischaracterizes the record. Appellant has substantially complied with all requirements of the South Carolina Appellate Court Rules, corrected each deficiency noted by the Clerk, and timely ensured that the orders and transcript are before this Court.

Appellant has acted promptly and in good faith in responding to every notice from the Clerk. At no point has Appellant ignored or refused compliance. Respondents' characterization of "blatant disregard" is inaccurate and unfair.

Dismissal here would elevate form over substance and deprive Appellant of meaningful review, despite the fact that Respondents have suffered no prejudice and have had full notice of the issues on appeal. South Carolina law strongly favors resolution of appeals on their merits.

### **II. ARGUMENT**

#### **A. Notice of Appeal was sufficient and deficiencies were cured.**

On June 20, 2025, Appellant timely filed a Notice of Appeal. On June 24, 2025, the Clerk issued a deficiency letter. In response, Appellant refiled the notice and provided a Form 7 Proof of Service. On July 2, 2025, the Clerk directed Appellant to provide the Commission's order. On July 3, 2025, Appellant promptly filed the Appellate Panel Decision and Order.

Thus, the Notice of Appeal has been corrected in every respect requested by the Court. Respondents have had full notice of the order appealed from and cannot claim surprise or prejudice.

Even assuming arguendo that the initial Notice of Appeal was vague, Appellant's Initial Brief, filed August 21, 2025, set forth the arguments and alleged errors of law in detail. Respondents have had full notice of the issues on appeal since that time. Thus, Respondents cannot demonstrate any prejudice from the form of the notice, and this Court should resolve the case on the merits.

Further, South Carolina precedent requires only that a notice provide sufficient information to alert the Court and parties to the decision being appealed. In *White v. Medical Univ. of S.C.*, 355 S.C. 560, 586 S.E.2d 157 (Ct. App. 2003), a broadly worded notice was deemed sufficient. Appellant's corrected filings easily satisfy this standard.

**B. Transcript was properly obtained and filed.**

On July 3, 2025, Appellant notified both the Court and Respondents that the transcript had been ordered. The transcript was delivered on July 22, 2025, and Appellant filed "Proof of Service of Notice of Receipt of Transcript" on July 29, 2025. The transcript is now part of the record before this Court.

Respondents also mischaracterize Appellant's July 3, 2025 email to the Court. That email was not an improper motion but a good faith request for guidance, prompted by the Commission's delay in providing the complete file. Appellant thereafter followed the Court's instructions and filed the transcript and proof of service as directed.

Even if the transcript order fell outside the initial ten-day period, dismissal is not required. Rule 260(a), SCACR, authorizes dismissal "whenever it appears that an appellant ... has failed to comply" with the rules. Here, Appellant has complied with each directive of the Court. No deficiency remains. Respondents' insistence that dismissal is "mandatory" misstates the rule. This Court retains discretion, and precedent shows dismissal is not automatic where the record is complete and no prejudice is shown.

**C. Respondents have suffered no prejudice.**

Respondents cannot demonstrate any prejudice. They have had access to:

- A corrected Notice of Appeal identifying the decision under review.
- The Appellate Panel's Order.
- The complete transcript.
- Appellant's Initial Brief fully setting out the issues and arguments.

Respondents are fully able to prepare and file their Respondent's Brief. Their motion is purely strategic and seeks dismissal on hyper-technical grounds, rather than allowing this Court to consider the merits.

**D. Respondents' reliance on characterizations of Appellant's conduct is irrelevant.**

Respondents repeatedly cite alleged "belligerent" or "noncompliant" behavior in their factual summary. These characterizations are immaterial to the procedural issues raised in their motion. The only questions before the Court on this motion are whether Appellant complied with the appellate rules and whether the record is complete. To the extent Respondents attempt to prejudice the Court by reciting disputed conduct, such arguments are irrelevant and should be disregarded at this stage.

**E. South Carolina law favors resolution on the merits.**

The South Carolina Supreme Court has long emphasized that "The right of appeal should not be defeated by a strict or technical construction" of the appellate rules. *Ex parte Hollman*, 79 S.C. 9, 60 S.E. 19 (1908). Likewise, in *Goodson v. American Bankers Ins. Co.*, 295 S.C. 400, 368 S.E.2d 687 (Ct. App. 1988), the Court held that appeals should not be dismissed for technical irregularities where issues may be fairly heard on the merits.

This principle applies with even greater force to pro se litigants who act diligently to comply. Any minor irregularities have been corrected. The record is complete. Dismissal would unjustly elevate technicalities over substance and deprive Appellant of review.

### III. CONCLUSION

For these reasons, Appellant respectfully requests that this Court deny Respondents' Motion to Dismiss and permit this appeal to proceed on its merits. Dismissal of this appeal would unjustly elevate technicalities over substance and reward Respondents' attempt to avoid review on the merits. The record is complete, Respondents are not prejudiced, and this case should be resolved on the legal issues properly presented.

Respectfully submitted,

  
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Signature of Appellant

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing **Appellant's Response in Opposition to Respondents' Motion to Dismiss** upon counsel for Respondents by depositing a copy in the United States Mail, first-class postage prepaid, addressed as follows:

**Claudia J. Piechota**

Holder Padgett Littlejohn + Prickett, LLC  
945 Houston Northcutt Blvd.  
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Service was made on: **September 12, 2025.**

  
\_\_\_\_\_  
Signature of Appellant

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**[PROPOSED] ORDER**

This matter comes before the Court on Respondents' Motion to Dismiss, filed September 10, 2025. After due consideration of the motion, Appellant's Response in Opposition, and the record,

**IT IS HEREBY ORDERED** that Respondents' Motion to Dismiss is DENIED.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Judge, South Carolina Court of Appeals

Submitted by:  
s/ Walter R. Hoover, Jr.  
Pro Se Appellant