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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

JOHN R. NICK, RESPONDENT,

v.

EMILY PRIOLEAU, APPELLANT.

Appellate Case No. 2024-002176

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**MOTION TO CORRECT CITATIONS AND FORMAT IN INITIAL BRIEF AND  
REPLY BRIEF PURSUANT TO SCACR RULE 211(b)**

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Appellant respectfully moves pursuant to Rule 211(b) of the South Carolina Appellate Court Rules for leave to file a substituted corrected version of her Initial Brief. Exhibit A, attached hereto, identifies specific corrections to the filed Initial Brief, including citation clarifications, transcript pinpoint adjustments, and formatting compliance with SCACR Rule 211(a), specifically the application of full justification throughout.

Additionally, Appellant respectfully requests leave to file a substituted corrected version of her Reply Brief, limited solely to formatting compliance with SCACR Rule 211(a). No substantive changes have been made to the arguments, citations, or authorities presented in either brief.

This motion is submitted to ensure procedural conformity and to assist the Court in its review of Appellant's filings.

Respectfully submitted this 24<sup>th</sup> day of September, 2025.

/s/ Emily Prioleau

Emily Prioleau, Appellant Pro Se  
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**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

JOHN NICK, RESPONDENT,

v.

EMILY PRIOLEAU, APPELLANT,

Appellate Case No. 2024-002176

**EXHIBIT A – CORRECTIONS TO INITIAL BRIEF IN SUPPORT OF MOTION TO  
FILE SUBSTITUTED BRIEF PURSUANT TO SCACR RULE 211(B)**

**Appellant: Emily Prioleau**

**Appellant respectfully submits the following corrections to her Initial Brief,  
identifying the page number, the filed text, and the corrected text for each item.  
These corrections are submitted in accordance with Rule 211(b) of the  
South Carolina Appellate Court Rules.**

Exhibit A  
 Corrections to Appellant’s Initial Brief  
 (Pursuant to SCACR 211(b))

Page	Filed Text	Correction	Notes
ii	(no entry for <i>Durkin v. Davis</i> , 218 S.C. 429, 63 S.E.2d 879 (1951))	<i>Durkin v. Davis</i> , 218 S.C. 429, 63 S.E.2d 879 (1951).	Add missing case; add period.
ii	<i>Moore v. McKelvey</i> , 221 S.C. 280, 72 S.E.2d 231 (1952).	<i>Moore v. McKelvey</i> , 221 S.C. 780, 72 S.E.2d 231 (1952).	Correct reporter volume; add period.
ii	(no entry for Statute of Frauds)	S.C. Code Ann. § 32-3-10 (Statute of Frauds).	Add missing statute; add period.
1	Issue VI: ..... 9	VI. Whether the trial court erred in denying Appellant’s equitable defenses of promissory estoppel and constructive trust?	Remove leader dots and page filler per SCACR formatting.
1	Issue VII: ..... ?	VII. Whether the trial court erred in failing to enforce the parties’ oral agreement under the doctrine of part performance?	Remove leader dots and punctuation filler per SCACR formatting.
2	He reimbursed Appellant ... (Tr. pp. 66–68)	Appellant reimbursed herself (Tr. p. 66, ll. 12–25; Tr. p. 67, ll. 1–12).	Clarify phrasing; correct who reimbursed; supply precise transcript citation.
2	(Tr. pp. ____7)	(Tr. p. 46, ll. 7–22 [\$50,000 loan]; Tr. p. 46, l. 23–p. 47, l. 16 [\$30,000 loan])	Replace placeholder with transcript pinpoint.
2	(Tr. p. ____)	(Tr. p. 52, ll. 10–25; Tr. p. 53, ll. 1–20)	Replace placeholder with strongest testimony window.

<b>Page</b>	<b>Filed Text</b>	<b>Correction</b>	<b>Notes</b>
2	(Tr. pp. ____)	(Tr. p. 66, ll. 12–25; Tr. p. 67, ll. 1–12)	Supply pinpoints for two \$40k checks.
2	(Tr. pp. ____)	(Def. Ex. 4; Tr. p. 64, ll. 20–25; Tr. p. 65, ll. 1–12)	Exhibit admitted; strongest testimony lines.
2	(Tr. p. ____)	(Def. Ex. 7; Tr. p. 72, ll. 1–10)	Exhibit admitted; supply pinpoints.
2	(Tr. p. 46, ll. 3–13)	(Tr. p. 46, ll. 7–22)	Tighten to specific lines for \$50,000 loan.
2	(Tr. p. 46, ll. 3–13)	(Tr. p. 46, l. 23–p. 47, l. 16)	Split from \$50k; correct line range for \$30,000 loan.
2	(Tr. p. 49, ll. 3–6)	(Tr. p. 50, ll. 3–19)	Correct page; add pinpoints for \$29,000 loan.
2	(Def. Ex. 3; Tr. p. 61, ll. 3–10)	(Def. Ex. 3; Tr. p. 61, ll. 3–10; Tr. p. 62, ll. 1–8)	Include full testimony window for \$22,600 check.
2	(Tr. p. 81, ll. 3–25; p. 82, ll. 1–25)	(Def. Exs. 6, 8; Tr. p. 81, ll. 3–25; Tr. p. 82, ll. 1–19)	Include admitted exhibits; refine pinpoints for property taxes.
2	(Tr. p. 78, ll. 1–25; p. 79, ll. 1–25; p. 113, ll. 1–25)	(Tr. p. 78, ll. 10–25; Tr. p. 79, ll. 1–12; Tr. p. 113, ll. 5–20)	Narrow to strongest lines for utilities/repairs.
3	(Tr. p. ____)	(Def. Ex. 8; Tr. p. 82, ll. 1–19)	Placeholder replaced with exhibit + pinpoints for property taxes.
3	(Tr. pp. ____)	(Tr. p. 54, ll. 12–22; Tr. p. 91, ll. 3–12)	Placeholder replaced with pinpoints for exclusive possession.
3	(Tr. p. ____)	(Tr. p. 78, ll. 10–25; Tr. p. 79, ll. 1–12)	Placeholder replaced with pinpoints for utilities/repairs.

<b>Page</b>	<b>Filed Text</b>	<b>Correction</b>	<b>Notes</b>
5	He reimbursed Appellant ... (Tr. pp. 66–68)	Appellant reimbursed herself \$80,000 (Tr. p. 66, ll. 12–25; Tr. p. 67, ll. 1–12).	Same correction applied; maintain consistency.
5	(Tr. pp. 45–54, 61–68)	(Tr. p. 46, ll. 7–22; Tr. p. 46, l. 23–p. 47, l. 16; Tr. p. 50, ll. 3–19; Tr. p. 61, ll. 3–10; Tr. p. 62, ll. 1–8; Tr. p. 72, ll. 1–10)	Break broad ranges into discrete pinpoints for contributions.
5	(Mag. Ct. File; ROA p. __)	(Pl. Ex. 2; Magistrate Ct. File, Sept. 2022 Notice to Quit; Tr. p. 12, ll. 5–15)	Remove ROA placeholder; use exhibit + transcript.
7	(Tr. pp. 61–62; Def. Ex. 3)	(Def. Ex. 3; Tr. p. 61, ll. 3–10; Tr. p. 62, ll. 1–8)	Confirm exhibit; use both pinpoint windows for \$22,600 check.
7	(Tr. pp. 66–68)	(Tr. p. 66, ll. 12–25; Tr. p. 67, ll. 1–12)	Pinpoint both \$40k checks for \$80k reimbursement.
7	(Tr. pp. 64–66)	(Def. Ex. 4; Tr. p. 64, ll. 20–25; Tr. p. 65, ll. 1–12)	Exhibit admitted; strongest testimony for \$20k to Andrew Savage.
7	(Tr. p. 62)	(Def. Ex. 7; Tr. p. 72, ll. 1–10)	Correct page; include exhibit for \$10k check.
7	(Tr. pp. 81–82; Def. Ex. 6)	(Def. Exs. 6, 8; Tr. p. 81, ll. 3–25; Tr. p. 82, ll. 1–19)	Use testimony + both exhibits for property taxes.
7	(Tr. pp. 54, 91–92)	(Tr. p. 54, ll. 12–22; Tr. p. 91, ll. 3–12)	Supply pinpoints for exclusive possession.
8	(Mag. Ct. File; ROA p. __ u)	(Pl. Ex. 2; Magistrate Ct. File, Sept. 2022 Notice to Quit; Tr. p. 12, ll. 5–15)	Correct ROA placeholder; exhibit + transcript for Notice to Quit.

<b>Page</b>	<b>Filed Text</b>	<b>Correction</b>	<b>Notes</b>
9	(Tr. pp. 45–50, 61–68)	(Tr. p. 46, ll. 7–22; Tr. p. 46, l. 23–p. 47, l. 16; Tr. p. 50, ll. 3–19; Tr. p. 61, ll. 3–10; Tr. p. 62, ll. 1–8; Tr. p. 72, ll. 1–10)	Break broad ranges into discrete pinpoints for contributions.
9	(Tr. pp. 52–54)	(Tr. p. 52, ll. 10–25; Tr. p. 53, ll. 1–20)	Pinpoint testimony window for business management.
9	(Tr. pp. 81–82; Def. Ex. 6)	(Def. Ex. 8; Tr. p. 82, ll. 1–19)	Exhibit tie + pinpoints for property taxes.
9	(Tr. pp. 54, 91–92)	(Tr. p. 54, ll. 12–22; Tr. p. 91, ll. 3–12)	Move-in and Respondent confirmation for possession/relocation.
10	(Tr. pp. 81–82; Def. Ex. 6)	(Def. Ex. 8; Tr. p. 82, ll. 1–19)	Exhibit confirmed + pinpoints for property taxes.
10	(Tr. pp. 45–50, 61–62)	(Tr. p. 46, ll. 7–22; Tr. p. 46, l. 23–p. 47, l. 16; Tr. p. 50, ll. 3–19; Tr. p. 61, ll. 3–10; Tr. p. 62, ll. 1–8)	Replace broad ranges with discrete pinpoints for loans.
10	(Tr. pp. 52–54)	(Tr. p. 52, ll. 10–25; Tr. p. 53, ll. 1–20)	Pinpoint management testimony for business management.
10	(no cite provided)	(Tr. p. 33, ll. 1–10; Tr. p. 54, ll. 12–22)	Add supporting testimony for residence purpose/move-in.
11	(Dep. pp. 35–38; Dep. p. 25)	(Tr. p. 34, ll. 3–10; Tr. p. 91, ll. 3–12)	Replace deposition cites with trial transcript for improvements/possession.
11	(Ct. App. 2019Issues ...)	<i>Nelson v. McMillan</i> , 427 S.C. 240, 831 S.E.2d 76 (Ct. App. 2019).	Correct case citation.

<b>Page</b>	<b>Filed Text</b>	<b>Correction</b>	<b>Notes</b>
12	(Mag. Ct. File; ROA p. ____)	(Mag. Ct. File – Answer & Counterclaim, Oct. 27, 2022; Transfer Order, Jan. 2023, Judge Amy Mikell)	Replace ROA placeholder with specific filings.
12	(Tr. pp. 45–92)	(Tr. p. 46, ll. 7–22; Tr. p. 50, ll. 3–19; Tr. p. 61, ll. 3–10; Tr. p. 62, ll. 1–8; Tr. p. 72, ll. 1–10; Tr. p. 82, ll. 1–19; Tr. p. 91, ll. 3–12)	Narrow broad range to discrete pinpoints for live testimony.
12	(Def. Exs. 3, 6)	(Def. Exs. 3, 4, 7, 8)	Include all exhibits .
13	(Tr. pp. 61–62; Def. Ex. 3)	(Def. Ex. 3; Tr. p. 61, ll. 3–10; Tr. p. 62, ll. 1–8)	Pinpoint and exhibit tie for \$22,600 check.
13	(Tr. pp. 52–54)	(Tr. p. 52, ll. 10–25; Tr. p. 53, ll. 1–20)	Pinpoint management testimony.
13	(Tr. pp. 81–82; Def. Ex. 6)	(Def. Ex. 8; Tr. p. 82, ll. 1–19)	Confirm correct exhibit + pinpoint citation
13	(Tr. pp. 54, 91–92)	(Tr. p. 54, ll. 12–22; Tr. p. 91, ll. 3–12)	Provide pinpoint citations for possession.
13	Citation sentence ended without a period; spacing off.	Citation sentence ends with a period; spacing adjusted per SCACR.	Correct end punctuation and spacing.
14	He reimbursed Appellant ... (Tr. pp. 66–68)	Appellant reimbursed herself (Tr. p. 66, ll. 12–25; Tr. p. 67, ll. 1–12).	Same correction applied; maintain consistency.
14	(Tr. pp. 66–68; Magistrate Ct. File)	(Tr. p. 66, ll. 12–25; Tr. p. 67, ll. 1–12; Pl. Ex. 2; Magistrate Ct. File, Sept. 2022 Notice to Quit)	Complete placeholder with transcript + exhibit + Notice to Quit.
All Pages	Body text not fully justified	Entire Initial Brief fully justified per SCACR Rule 211(a)	Full Justification needed

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**Sep 24 2025**

**SC Court of Appeals**

Certificate of Service

I hereby certify that I have served a true and correct copy of the foregoing MOTION TO CORRECT CITATIONS AND FORMAT IN INITIAL BRIEF AND REPLY BRIEF PURSUANT TO SCACR RULE 211(b) with attached **Exhibit A** upon counsel for Respondent by depositing same in the United States Mail, postage prepaid, addressed as follows:

**William B. Jung, Esquire**  
1156 Bowman Road, Suite 200  
Mount Pleasant, SC 29464

Dated this 24<sup>th</sup> day of September, 2025.

/s/ Emily Prioleau  
Emily Prioleau, Appellant Pro Se