

SOUTH CAROLINA COURT OF APPEALS

Motion to Enforce Jurisdiction and Block October 6, 2025 Hearing

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Sep 29 2025

SC Court of Appeals

COA CASE No: 2025-001299

DC CASE No: 2024-CP-1801459

Attia Elbadawy, and Lynne Chatlos,
Appellants,

v.

D.R. Horton, Inc.,

Respondents

Dorchester County,
Respondents,

Motion to Enforce Jurisdiction and Block October 6, 2025 Hearing

Introduction

Comes now, Appellants Attia Elbadawy and Lynne Chatlos, respectfully moving this Court to enforce its jurisdiction and prohibit Dorchester County Circuit Court from holding hearings on October 6, 2025, in direct violation of this Court's authority.

Background

This case is currently pending before the Court of Appeals. Despite this, Dorchester County Circuit Court has scheduled (14) multiple hearings on October 6, 2025, including matters already ruled upon. This action is contrary to established procedure.

Violations and Grounds

South Carolina Constitution Art. V, §5 grants exclusive jurisdiction to this Court once appeal is docketed. Rule 225, SCACR, establishes that a supersedeas divests the lower court of jurisdiction. Rule 241, SCACR, prohibits lower courts from acting on appealed matters. Proceeding would also violate due process and res judicata.

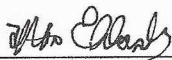
Case Law / Precedent

See Ex parte Wilson, 367 S.C. 7 (2006) (lower court loses jurisdiction after appeal); State v. McKennedy, 348 S.C. 270 (2001) (appeals court jurisdiction is exclusive); Gandy v. Gandy, 297 S.C. 411 (1989) (trial court lacks authority while appeal pending).


Relief Requested

That Dorchester County Circuit Court be prohibited from conducting the October 6, 2025 hearing and that jurisdiction remains exclusively with the Court of Appeals.

Respectfully submitted,
Attia Elbadawy



Lynne Chatlos



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Summerville, SC 29483

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September 28, 2025

Proposed Order

In the Court of Appeals, it is hereby ORDERED that:

That Dorchester County Circuit Court be prohibited from conducting the October 6, 2025 hearing and that jurisdiction remains exclusively with the Court of Appeals.

SO ORDERED.

Judge of the Court

Certificate of Service

I hereby certify that I have served a copy of the foregoing Motion and Proposed Order upon all parties by depositing a copy in the U.S. Mail, first-class postage prepaid, addressed as follows:

Mark Bible, Counsel for D.R. Horton, Inc.
325 W. McBee Avenue, Suite 301
Greenville, SC 29601

Dorchester County
Bradley Mitchell
201 Johnston Street
St. George, SC 29477

Clerk of Court
Dorchester County Judicial Center
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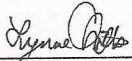
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SC Court of Appeals

Date: September 28, 2025

Appellants,

Attia Elbadawy, 

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