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**Oct 13 2025**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In the Court of Appeals**

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APPEAL FROM CHARLESTON COUNTY

COURT OF COMMON PLEAS

The Honorable Bentley D. Price

Circuit Court Judge

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Appellate Case No. 2024-000350

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Michele Graham,.....Appellant,

v.

Mark Ciaburri and Adrienne T. Ciaburri, .....Respondents

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**APPELLANT’S RETURN ON RESPONDENTS’ MOTION TO ALLOW LATE FILING**

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Appellant filed a Second Supplemental Motion to Strike, seeking to exclude Respondents’ Memorandum in Support of Attorney’s Fees on the ground that it was never filed or presented in the lower court. Respondents then filed a Return. The Clerk of Court determined that Respondents’ Return was untimely under the South Carolina Appellate Court Rules (SCACR) and issued a deficiency notice accordingly. In response, Respondents filed a Motion to Allow Late Filing. Appellant now submits this Return in opposition to that motion.

Attached to this Return are two supporting exhibits that establish the factual foundation for this opposition and demonstrate Respondents’ ongoing pattern of procedural noncompliance.

## ARGUMENT

### I. Respondents' Pattern of Noncompliance Weighs Against Leniency

Respondents' procedural failure is not an isolated event. On March 21, 2025, this Court issued an order granting Appellant's Supplemental Motion to Strike and directing Respondents to file an amended Designation of Matter within ten (10) days (Exhibit 1). Respondents failed to comply with that order, forcing Appellant to expend additional time and resources to file the Motion to Settle the Record on April 21, 2025, to avoid further delay.

Respondents' pattern of disregard for procedural rules continues here, where they now ask the Court to excuse an untimely filing so they may defend the inclusion of a document that was never filed or presented in the lower court as required (Exhibit 2)<sup>1</sup>. Respondents' repeated failure to comply with clear procedural obligations should not be rewarded with further leniency.

### II. Respondents Set Forth No Factual Basis to Support Their Request

Even if the Court were inclined to grant Respondents' motion "in the interest of justice," neither their Motion to Allow Late Filing nor their Return to Appellant's Second Supplemental Motion to Strike provides any factual or evidentiary basis that would justify acceptance of their untimely filing. Their Return, the very document they seek to have accepted, contains no factual foundation or legitimate justification supported by evidence explaining why their unfiled memorandum should remain in the Record on Appeal. Respondents offer no factual showing or evidentiary support establishing that the challenged memorandum was ever filed or lawfully

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<sup>1</sup> Exhibit 2 is the October 6, 2020 email from chambers informing Respondents' counsel that if he wished to be heard on the Motion for Attorney's Fees, he would need to file it with the Clerk's Office **because no such motion was on file.** Neither the memorandum nor the underlying motion was ever filed with the Court, and Respondents have provided no evidence or showing to the contrary.

presented to the circuit court. Therefore, the Court should decline to exercise its discretion to accept Respondents' untimely filing and deny the Motion to Allow Late Filing.

### CONCLUSION

Because Respondents' filing is insufficient in showing any factual or evidentiary basis to justify acceptance and consistent with their continuing pattern of procedural noncompliance, Appellant respectfully requests that the Court:

1. Deny Respondents' Motion to Allow Late Filing; and
2. Decline to consider Respondents' untimely Return to the Second Supplemental Motion to Strike.

Respectfully submitted,



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Michele Graham  
1661 Babington Way  
Mount Pleasant, SC 29464  
843-532-7252  
[michele.graham0318@gmail.com](mailto:michele.graham0318@gmail.com)  
Appellant

October 13, 2025

# EXHIBIT 1

## The South Carolina Court of Appeals

Michele Graham, Michael Graham, and Tammy Graham,  
Plaintiffs,

v.

Mark Ciaburri, Adrienne Ciaburri, Crista Hoffman,  
Heather Cumbee, and Shelby Walker, Defendants,

of whom Michele Graham is the Appellant, and Mark  
Ciaburri and Adrienne Ciaburri are the Respondents.

Appellate Case No. 2024-000350

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### ORDER

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Appellant filed a motion to strike certain matters from Respondents' designation of matter. On January 10, 2025, this court granted in part and denied in part Appellant's motion to strike. Subsequently, Appellant filed a supplemental motion to strike Appellant's initial brief from Respondent's designation of matter because it is not an evidentiary or procedural document from the lower court. Respondents did not file a return. After careful consideration, we grant Appellant's motion to strike. Within ten days of the date of this order Respondents shall serve and file an amended designation of matter, omitting as a designated matter Appellant's initial brief and the previously struck matters: "Magistrate Order for directed verdict and resolution of all claims, July 2024" and "Small Claims Remotion for Summary Judgement, filed June 4, 2024." Appellant shall then serve file the record on appeal within twenty days of receipt of Respondents' amended designation of matter.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Mar 21 2025**

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cc:

Michele Graham

Edward "Ted" Regin Corvey, III, Esquire

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**Graham v. Ciaburri Et. Al.**

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**Price, Bentley Law Clerk (Aimee Intagliata)** <bpricelc@sccourts.org>

Tue, Oct 6, 2020 at 2:44 PM

To: Ted Corvey <ted@kcslawfirm.com>, Michele Graham <michele.graham0318@gmail.com>

Cc: Drew Butler <DButler@richardsonplowden.com>, James Haarsgaard <JHaarsgaard@richardsonplowden.com>, "Price, Bentley Secretary (Tamara Walters)" <bpricesc@sccourts.org>, "Lisa E. Chapman" <LChapman@charlestoncounty.org>

All,

If you'd like this motion to be heard, you will have to file it with the Clerk's office. They do not have any Motion for Fees on file and cannot create a motion in the system.

Please let me know if you have any questions.

Thanks,

Aimee Intagliata

Law Clerk to the Honorable Bentley Price

The Circuit Court of South Carolina

Ninth Judicial Circuit

100 Broad Street

Charleston, SC 29403

**From:** Price, Bentley Law Clerk (Aimee Intagliata)

**Sent:** Tuesday, October 6, 2020 1:05 PM

**To:** 'Ted Corvey' <ted@kcslawfirm.com>; Michele Graham <michele.graham0318@gmail.com>

**Cc:** Drew Butler <DButler@richardsonplowden.com>; James Haarsgaard <JHaarsgaard@richardsonplowden.com>; Price, Bentley Secretary (Tamara Walters) <bpricesc@sccourts.org>; 'Lisa E. Chapman' <LChapman@charlestoncounty.org>

**Subject:** RE: Graham v. Ciaburri Et. Al.

Good afternoon all,

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APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS  
The Honorable Bentley D. Price  
Circuit Court Judge  
Trial Court Case No.: 2020-CP-1003397

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Appellate Case No. 2024-000350

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Michele Graham,.....Appellant,

v.

Mark Ciaburri and Adrienne T. Ciaburri, .....Respondents

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PROOF OF SERVICE

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I, Michele Graham, certify that on October 13, 2025, I served the **Return on Respondents' Motion to Allow Late Filing** on counsel for Respondents by depositing a copy in the United States Postal Service, first-class mail, postage prepaid, addressed as follows:

Ted Corvey  
Corvey Law Firm  
815 Savannah Hwy, #201  
Charleston, SC 29407

Respectfully submitted,



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Michele Graham  
1661 Babington Way  
Mount Pleasant, SC 29464  
843-532-7252  
[michele.graham0318@gmail.com](mailto:michele.graham0318@gmail.com)  
Appellant

October 13, 2025