

RECEIVED
Oct 30 2025
SC Court of Appeals

Attia Elbadawy and Lynne Chatlos
493 Wise Road
Summerville, SC 29483
(843) 641-8556
October 30, 2025
Via Email and Certified Mail
Cheyanne Kilcoyne
Law Clerk for the Honorable Maite Murphy
5200 East Jim Bilton Boulevard
St. George, South Carolina 29477

RE: Procedural and Jurisdictional Violations Following August 13, 2025 Court of Appeals Order
Case No. 2024-CP-18-0459 (Elbadawy & Chatlos v. D.R. Horton, Inc.)

Dear Ms. Kilcoyne:

This correspondence constitutes a **formal objection** to your October 30, 2025 email directing **counsel for D.R. Horton** to prepare and submit a “proposed order” on behalf of Judge Murphy to the South Carolina Court of Appeals. That directive, combined with the earlier listing of the Writ of Supersedeas for hearing on **October 6, 2025** before **Judge Diane Goodstein**, represents a **serious breach of appellate procedure, jurisdiction, and judicial ethics**.

1. Violation of August 13, 2025 Appellate Order

On **August 13, 2025**, the South Carolina Court of Appeals issued a written order directing Judge Murphy to prepare and transmit the Circuit Court’s **Return** concerning the pending **Writ of Supersedeas**. That responsibility rested solely with Judge Murphy and could not lawfully be delegated. By waiting over two months and then instructing the **opposing party’s attorney** to draft the court’s own Return, your chambers acted in direct conflict with that appellate order and undermined the independence of the judiciary.

2. Improper October 6, 2025 Hearing Before Judge Goodstein

Despite the August 13 appellate directive, this matter was **improperly scheduled** as part of a 14-motion docket for **October 6, 2025**, before **Judge Diane Goodstein**—a judge who had **no jurisdiction** once the appeal was filed. Under **Rule 205, South Carolina Appellate Court Rules (SCACR)**, the filing of a Notice of Appeal immediately divests the circuit court of authority over the subject matter of the appeal, except to preserve the record. Scheduling the Writ of Supersedeas for hearing was therefore **unlawful and void ab initio**.

3. Nature and Operation of a Writ of Supersedeas

A **Writ of Supersedeas** operates as a **stay of enforcement** of the lower court’s orders while an appeal is pending. Once issued or requested, jurisdiction over the subject matter transfers to the **Court of Appeals**, and the circuit court’s role is strictly limited to compiling the record. Under **Rule 241(a) and (c), SCACR**, only the appellate court may determine the effect or continuation of such a stay. Any circuit court activity affecting that stay—such as setting it for

hearing or directing a party to draft an appellate return—is a **violation of appellate authority** and an infringement on the Appellants’ right to appellate review.

4. Improper Delegation of Judicial Duty

Under **Rule 241(c), SCACR**, the “judge whose order is involved shall make a return to the writ.” This is a **mandatory and non-delegable duty**. Directing the prevailing party’s counsel to prepare that Return or any proposed order constitutes an abdication of judicial responsibility.

5. Appearance of Bias and Violation of Judicial Canons

Authorizing D.R. Horton’s attorney to draft an order that purports to reflect Judge Murphy’s reasoning creates the unmistakable **appearance of bias**, contrary to **Canons 1, 2(A), and 3(B)(5)** of the **South Carolina Code of Judicial Conduct**.

6. Lack of Transparency and Due Process

The **Dorchester County Public Index** shows **no signed or entered order** corresponding to either the October 6 hearing or your October 30 email. Any unfiled “proposed order” drafted off record by a party has **no legal force**. Plaintiffs were given **no notice or opportunity** to review or object, violating **Article I, Section 22** of the **South Carolina Constitution**.

7. Interference with Appellate Jurisdiction

By soliciting and directing submissions from D.R. Horton’s counsel, your office has **interfered with the Court of Appeals’ jurisdiction** as established by its August 13, 2025 Order.

8. Demand for Immediate Correction

Plaintiffs demand that no proposed order or Return be drafted, submitted, or transmitted to the Court of Appeals by D.R. Horton or any party counsel. Any required filing must be prepared solely by the Circuit Court itself and properly docketed. Any off-record activity by counsel after August 13, 2025 will be considered a violation of appellate protocol.

A copy of this objection will be filed with the **Clerk of the South Carolina Court of Appeals** for inclusion in the appellate record.

Respectfully submitted,

/s/ **Attia Elbadawy**

/s/ **Lynne Chatlos**

Pro Se Plaintiffs

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