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Oct 31 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Case No: 2024-001547

APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas

The Honorable Thomas L. Hughston, Jr.

Case No.: 2020-CP-18-01856

Joseph R. Davis and Jennifer Davis, individually
and as representative of all those similarly situated.....Appellants-Respondent,

v.

River Oaks Homeowners Association, Inc.....Respondent-Appellant

Halcyon Real Estate Services, LLC, and
Dorchester Real Estate Services, Inc.....Respondents.

RESPONDENT-APPELLANT RIVER OAKS HOMEOWNERS ASSOCIATION, INC.'S
REPLY TO APPELLANT-RESPONDENT'S MOTION FOR LEAVE TO FILE AND SERVE
APPELLANTS' FINAL BRIEFS AND RECORD ON APPEAL OUT OF TIME

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Respondent-Appellant River Oaks Homeowners Association, Inc. (“River Oaks”), respectfully submits this reply to Appellants-Respondents Joseph R. Davis and Jennifer Davis’s (“Appellants”) Motion for Leave to file and serve Appellants’ Final Briefs and the Record on Appeal out of time. The South Carolina Appellate Court Rules are not mere technicalities. Rule 260, SCACR, requires the dismissal of this appeal and no good cause exists to support reinstatement.

Rule 260(a), SCACR, states:

Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties

Rule 210(b), SCACR, states that an appellant “must” file the record “no later than the date his brief(s) are due . . .” Likewise, Rule 211, SCACR, states that “each party shall serve a copy of the party’s final brief(s) . . .” The use of the word “shall” indicates a mandatory requirement. *Strickland v. Richland Cnty. Legislative Delegation*, 440 S.C. 438, 443, 892 S.E.2d 288, 290 (2023) (discussing the prevailing rule of statutory interpretation); *see also Stark Truss Co. v. Superior Const. Corp.*, 360 S.C. 503, 508, 602 S.E.2d 99, 102 (Ct. App. 2004) (applying the same rules of construction to the interpretation of court rules).

Appellants cite to the “good cause” standard for relief under Rule 55(c), SCRCPP; however, it is clear that no good cause exists under this standard or any other. *See Campbell v. City of N. Charleston*, 431 S.C. 454, 462, 848 S.E.2d 788, 792 (Ct. App. 2020) (collecting cases in which the failure to act was not a “good cause” for setting aside default). The last brief in this appeal was filed and served on June 11, 2025. (*See River Oaks’ Initial Brief of Respondent-Appellant*). Appellants moved for, and received, an extension to file a reply brief but did not file any such brief. Thus, under Rule 210(a), SCACR, the Record on Appeal should have been served by July

11, 2025. Appellants did not serve the Record on Appeal upon River Oaks until September 4, 2025. On September 30, 2025, this Court issued a letter indicating that Appellants had not yet filed and served their final briefs in this appeal and ordered that Appellants do so within ten (10) days of the date of the letter.¹ Appellants did not file their final briefs within ten (10) days and on October 14, 2025, this Court issued a second letter ordering Appellants to file their final briefs within ten (10) days of that letter. Appellants filed their final briefs along with a motion for leave on October 21, 2025.²

The basis for Appellants' request for leave is an unfortunate one, but one with which our appellate courts are familiar and have held is not a basis for good cause. Indeed, our Supreme Court has previously acknowledged that the life of a lawyer is a busy one:

In the crowded routine of a busy lawyer's life a mistake such as the record here discloses is understandable; but it entails the penalty of default under strict enforcement of the rule of procedure, and the trial court's refusal to forgive it affords no basis for reversal.

Simon v. Flowers, 231 S.C. 545, 551, 99 S.E.2d 391, 394 (1957). Moreover, this Court must remember that leniency in favor of one party comes at the expense of the other. *Thomas v. Lynch*, 87 S.C. 44, 68 S.E. 817, 817 (1910) (“it must always be remembered that the other party to the cause has the right to the orderly disposition thereof, and that his rights must be respected . . .”)

River Oaks has previously asserted that the South Carolina Appellate Court Rules require this

¹ Appellants had also not filed the Record on Appeal with this Court by this time and the instant motion concerns both the Record on Appeal and Appellants' final briefs.

² This issue is not an outlier as Appellants have missed multiple prior deadlines. This Court previously granted Appellants' motion for an extension to file Appellants' initial brief and designation of matter and ordered that the same be filed by January 6, 2025. Appellants filed their initial brief and designation of matter on January 7, 2025. Earlier, River Oaks filed a motion to dismiss on October 2, 2024. Appellants filed their return 15 calendar days after the motion was filed. *See* Rule 240(e), SCACR (requiring returns to be filed within 10 days); *see also* Reply to Mot. for Leave, filed Nov. 14, 2024.

Court to dismiss this appeal. Again, the issue has arisen and again River Oaks asks this Court to enforce its rules and dismiss this appeal.

Conclusion

The South Carolina Appellate Court Rules are clear and require dismissal for failure to comply with the filing requirements of Rules 210 and 211. Therefore, this Court must enforce its own rules and dismiss this appeal.

Respectfully,

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Dated: October 31, 2025
Charleston, South Carolina

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CERTIFICATE OF SERVICE

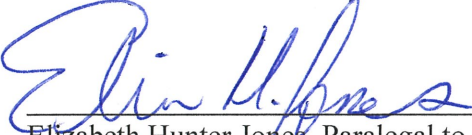
I certify that on this 31st day of October, 2025, I have served the Respondent-Appellant’s Reply to Appellant-Respondent’s Motion for Leave to file and serve Appellants’ Final Briefs and Record on Appeal out of time via U.S. Regular Mail and via electronic transmission addressed to their attorneys of record, D. Conor Keys, Esquire and Mary Leigh Arnold, Esquire and via electronic transmission upon all other counsel of record listed as follows:

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Dated: October 31, 2025
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