

EMAIL FILING COVER NOTE

To: clerkofcourt@sccourts.org

Subject: Case No. 2025-001299 – Motion to Object to Unauthorized Ruling and to Enforce Appellate Jurisdiction

Dear Clerk of Court,

Please find attached the Appellants’ **Motion to Object to Unauthorized**

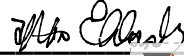
Rulings and to Enforce Appellate Jurisdiction for filing in **Case No. 2025-001299,**

Attia Elbadawy and Lynne Chatlos v. D.R. Horton, Inc.; and Third Party Respondent Dorchester County

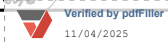
Kindly confirm receipt and docketing of this filing at your earliest convenience.

Respectfully submitted,

Attia Elbadawy



Lynne Chatlos



493 Wise Road (mailing)
493 Wise Lane (911/physical)
Summerville, SC 29483
ala_international@yahoo.com
(843) 641-8556

Dated: November 4, 2025

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Nov 04 2025

SC Court of Appeals

COVER LETTER

November 4, 2025

Clerk of Court

South Carolina Court of Appeals

1220 Senate Street

Columbia, SC 29201

RECEIVED

Nov 04 2025

SC Court of Appeals

Re: Case No. 2025-001299 — *Attia Elbadawy and Lynne Chatlos v. D.R. Horton, Inc.; and Third Party Respondents Dorchester County*

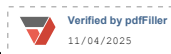

Dear Clerk of Court:

Please find enclosed the Appellants' **Motion to Object to Unauthorized Rulings and to Enforce Appellate Jurisdiction** for filing in the above-referenced case.

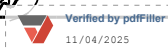
Kindly stamp and docket this motion upon receipt.

Respectfully submitted,

Attia Elbadawy



Lynne Chatlos



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IN THE SOUTH CAROLINA COURT OF APPEALS

Case No. 2025-001299

Attia Elbadawy and Lynne Chatlos, Appellants/Plaintiffs,

V

D.R. Horton, Inc AND Dorchester County Respondents/Defendants,

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Nov 04 2025

SC Court of Appeals

**MOTION TO OBJECT TO UNAUTHORIZED RULINGS AND TO ENFORCE
APPELLATE JURISDICTION**

COMES NOW the Appellants, **Attia Elbadawy and Lynne Chatlos**, appearing *pro se*, respectfully submitting this Motion objecting to ongoing rulings, directives, and communications issued by the Honorable **Judge Mattie Murphy** of the Dorchester County Circuit Court after the appellate record was perfected and the Writ of Supersedeas was filed. Appellants request immediate intervention to enforce appellate jurisdiction and to declare all post–appeal actions of the lower court *void ab initio*.

I. STATEMENT OF FACTS

1. On **August 13, 2025**, this Court issued its order concerning the *Writ of Supersedeas*, thereby assuming appellate jurisdiction in Case No. 2025-001299.
2. Despite this, the **Dorchester County Circuit Court docket remains active** under Judge Mattie Murphy’s supervision. Hearings and rulings continue to appear on the docket — including actions on the *Motion to Compel*, *Motion to Compel Production of Documents*, and *Motion for Internal Investigation* — even though these same motions are part of the appellate record.

3. On or about **October 30, 2025**, Judge Murphy's law clerk, Cheyenne Kilcoyne, sent email correspondence instructing **D.R. Horton, Inc.** to prepare and submit a *proposed order* for the Writ of Supersedeas. This communication was improper, as the circuit court no longer has authority over the writ once jurisdiction is transferred.

4. Judge Murphy's continued actions "from the bench" and through staff communications constitute an ongoing interference with appellate jurisdiction. These are **not ministerial or clerical acts** but substantive rulings that go to the very matters on appeal.

5. Appellants **Attia Elbadawy and Lynne Chatlos** have repeatedly observed that Judge Murphy continues to appear on the docket and in active orders even after this Court's jurisdiction was invoked. These continued proceedings are without legal authority and create serious prejudice to the Appellants.

II. LEGAL AUTHORITY AND ARGUMENT

A. Jurisdiction Transfers to the Court of Appeals Upon Notice of Appeal

Under **Rule 205, South Carolina Appellate Court Rules (SCACR)**: "Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal, and the lower court shall have no further jurisdiction over the matter except as provided by law." Once an appeal is perfected, the Circuit Court loses all power to act on any matter involved in that appeal. Actions taken thereafter are *void ab initio*. See *State v. Williams*, 321 S.C. 327, 468 S.E.2d 656 (1996); *Hickman v. Hickman*, 301 S.C. 455, 392 S.E.2d 481 (1990).

B. Rule 62(d), South Carolina Rules of Civil Procedure

Rule 62(d) provides that when an appeal is taken, the appellant may obtain a stay, and the trial court retains no authority to proceed with matters affecting the judgment on appeal. Judge Murphy's ongoing rulings and direction regarding the supersedeas process clearly affect the judgment and relief on appeal and therefore exceed her lawful authority.

C. Unauthorized Communications and Delegation

The instruction by Judge Murphy's law clerk for **D.R. Horton, Inc.** to draft or submit a "proposed order" for the Writ of Supersedeas is procedurally improper. Under **Canon 3B(7) of the South Carolina Code of Judicial Conduct**, a judge shall not initiate or permit *ex parte* communications concerning a pending matter. Delegating judicial functions to a litigant in a case is a due process violation. See *Matter of Gravely*, 321 S.C. 235, 467 S.E.2d 924 (1996).

D. Constitutional Violations

Article V, §5 of the **South Carolina Constitution** vests appellate authority exclusively in the Supreme Court and Court of Appeals. By continuing to exercise power over motions that are part of the appeal, Judge Murphy is acting outside constitutional authority and violating the doctrine of separation of powers.

E. Continuing Pattern of Jurisdictional Abuse

The lower court has repeatedly: (1) ignored the appellate stay and supersedeas process; (2) continued to correspond with Respondents regarding pending appellate issues; and (3) attempted to issue rulings that exceed its lawful authority. This pattern reflects intentional disregard of Rule 205, SCACR, and ethical duties under Canon 2A

("A judge shall respect and comply with the law and act in a manner that promotes public confidence in the judiciary").

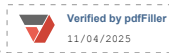
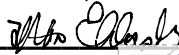
III. RELIEF REQUESTED

1. Declare all rulings, drafts, or orders issued by Judge Murphy after the August 13, 2025 appellate order **null and void**;
2. Direct the Dorchester County Circuit Court to **cease any further action, ruling, or correspondence** on this case while under appeal and Change "Pending" to "Appeal" on docket.
3. Issue an order confirming that all authority over the *Writ of Supersedeas* and pending motions resides exclusively in this Court;
4. Remind the lower court and its staff of **Canon 3B(7)** and **Rule 205, SCACR**, prohibiting post-appeal actions and *ex parte* directives; and
5. Grant such other relief as the Court deems just and proper to protect the jurisdiction and integrity of the appellate process.

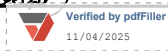
Dated: November 4, 2025

Respectfully submitted,

Attia Elbadawy



Lynne Chatlos



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Summerville, SC 29483
ala_international@yahooo.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Emergency Motion to Object to Unauthorized Rulings and to Enforce Appellate Jurisdiction* was served by U.S. Mail on November 4, 2025, addressed to the following:

Dorchester County Attorney
201 Johnston Street
St. George, SC 29477
D.R. Horton, Inc.
325 West McBee Avenue, Suite 301
Greenville, SC 29601
Dorchester County Clerk of Court
5200 East Jim Bilton Blvd.
St. George, SC 29477

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