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Nov 12 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2025-000343
Case No. 2025-CP-26-00230

Djuan Holland, Appellant,

v.

Moorland BRT LLC d/b/a Moorland Reserve, Respondent.

RESPONDENT'S MEMORANDUM IN OPPOSITION TO APPELLANT'S
MOTION TO REINSTATE

NOW COMES the Respondent, Moorland BRT LLC d/b/a Moorland Reserve, by and through their undersigned counsel, and hereby responding to the documents filed by Appellant entitled "Response to my Appeal Not Being dismissed" which this Court is treating as a Motion to Reinstate the Appeal (hereinafter "Motion") filed by Appellant Djuan Holland on the grounds that Appellant's Motion is improper, irrelevant, not in good faith, not supported by fact or of law, and in violation of the procedural and substantive requirements of this Court. In support of this Memorandum, Respondent respectfully submits the following:

It appears that by filing this Motion, Appellant seeks to reinstate her Appeal on the grounds that she was provided with erroneous information regarding a filing fee by the staff of this Court. Upon information and belief, Appellant may be confusing her appeal to this Court with her appeal to the United States District Court for the District of South Carolina.

I. Factual and Procedural Background

On or about February 26, 2025, Appellant filed a Notice of Appeal with this Court following the dismissal of a previous appeal filed with this Court (Case No. 2025-000261) in appealing the bond to stay the execution of the writ of ejectment set by the Horry County Circuit Court as a condition of her appeal. Appellant filed for Chapter 13 bankruptcy on April 1, 2025 (Case No. 25-01225-jd). Due to the protection of the automatic stay, this appeal was temporarily held in abeyance. On or about June 10, 2025, the Debtor's Chapter 13 bankruptcy case was dismissed by order of the court [Doc 44 of Case No. 25-01225-jd]. Respondent notified this Court on June 11, 2025 of the dismissal of the bankruptcy case and requested this appeal no longer be held in abeyance. Immediately thereafter, on June 13, 2025, the Debtor re-filed bankruptcy under Chapter 7 of the Bankruptcy Code, resulting in this appeal being held in abeyance by notice of this Court on June 26, 2025. By order of the South Carolina Bankruptcy Court on August 28, 2025, the protections of the automatic stay were confirmed terminated and Respondent was authorized to proceed with state court eviction proceedings in this Court. Respondent notified this Court on August 29, 2025 of the update and requested this case be again removed from abeyance.

Then, on or about September 24, 2025, this Court issued a letter to Appellant confirming the bankruptcy stay had been terminated, that the appeal is no longer held in abeyance, and requiring Appellant to pay the required filing fee of \$250.00 within ten (10) days of the date of the letter. Upon information and belief, Appellant did not pay the filing fee as required by the Court to sustain her appeal. On or about October 16, 2025, by order of this Court, this appeal was dismissed due to Appellant's failure to provide notice of appeal filing fee as required by Rule 203 of the South Carolina Appellate Court Rules and this Court's letter dated September 24, 2025.

On November 3, 2025, Appellant filed her Motion disputing the dismissal of her appeal.

II. Legal Argument

Appellant's Motion does not show there is good cause to reinstate her appeal and should

not be granted by this Court. Under South Carolina Appellate Court Rules, an appeal may be reinstated if the Appellant seeks leave of court and provides notice to all parties. Specifically, Rule 260(a) provides “[a] case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties.” Appellant’s Motion does not detail any grounds to substantiate “good cause” to reinstate her appeal. Instead, Appellant alleges in her Motion only that she believes she was provided erroneous information by the staff of this Court by stating: “I called the appeal court and spoke with a staff member about it and was told that I didn’t have to pay it because of my bankruptcy status and to wait that’s what I did [. . .].” Appellant provides no information on who or when she allegedly spoke with this Court regarding the payment of her appeal filing fee. Further, Appellant’s position is in direct conflict with the letter of this Court of September 24, 2025 requiring her to pay the filing fee. Rather than responding to the letter of this Court with questions, seeking clarification, and/or requesting an extension or payment plan for the filing fee, Appellant asserts only vague and unsubstantiated allegations of misinformation and misconduct on behalf of the staff of this Court in attempt to shift the blame for her failure to pay filing fees.

Rule 260(a) also requires Respondent to be provided with notice of Appellant’s Motion. Appellant has not yet served the Motion on Respondent. Respondent was made aware of the filing of the Motion upon receipt of the Deficiency Letter of this Court on November 3, 2025. It has been and continues to be an ongoing issue that Appellant refuses to provide Respondent with notice of any filings with this Court and refuses to include counsel for Respondent on any emails to this Court as required by the Rules.

Additionally, it appears that upon receipt of Appellant’s Motion, this Court issued a Deficiency Letter on November 3, 2025 requiring Appellant to pay the required filing fee of \$50.00 and provide proof of service on Respondent. In the event that Appellant alleges that she is not responsible for the filing fee due to the pendency of her bankruptcy, this argument should be disregarded by this Court. As outlined above, the protections of the automatic stay are no longer

in place and Respondent has been issued explicit permission by the bankruptcy court to proceed with the state court litigation.

Further, due to the history of conduct of Appellant, Respondent has good reason to believe that Appellant filed this Motion not in good faith but rather as an attempt to delay the execution of the writ of ejectment. In support of this position, Respondent notes that Appellant's Motion provides no good cause, no reasonable legal and/or factual arguments to reinstate the appeal, no attempt to make any payments to this Court – much less towards her outstanding balance in excess of \$60,000 due and owing to Respondent, and no attempt to even pay the filing fee for the Motion itself. Instead of displaying good faith in asserting a reasonable legal and/or factual argument, Appellant seeks to shift blame and perpetuate misinformation.

Finally, for several months, Appellant has engaged in and continues to engage in ex parte communications with this Court. Appellant has engaged in and continues to engage in improper filings, duplicative litigation, and misrepresentations to this Court that lack legal and factual grounds. Respondent requested this Court establish a gatekeeping order as a part of Respondent's Motion to Dismiss filed March 14, 2025. Respondent's request was denied by this Court shortly thereafter. Due to Appellant's misrepresentations to this Court and personal attacks on the legal and ethical professionalism of counsel for Respondent, Respondent requests again that this Court establish a gatekeeping order that requires Appellant to retain counsel to further pursue this litigation. The Court's ongoing failure to do so is only working to enable and perpetuate Appellant's blatant disregard for judicial time and resources as well as the requirement of professionalism and civility within the justice system.

III. Conclusion

For the reasons set forth above, the Respondent respectfully requests this Court to deny the relief requested in the Motion filed by Appellant, Djuan Holland as the motion is improper, irrelevant, not in good faith, not supported by fact or of law, and in violation of the procedural and

substantive requirements set forth by the South Carolina Appellate Court Rules.

Respectfully submitted,

/s/ Morgan R. Dunn
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Attorney for Respondent

November 11, 2025

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CERTIFICATE OF SERVICE

I certify that I have served the Respondent's Memorandum in Opposition to Respondent's Motion to Reinstate by depositing a copy of it in the United States Mail, Postage Prepaid, on November 11, 2025, addressed to her at 139A Moorland Reserve Place, Myrtle Beach, SC 29579, and via email at djuanholland@gmail.com.

November 11, 2025

/s/ Morgan R. Dunn
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