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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

The Honorable Mikkell R. Scarborough
Master in Equity

Appellate Case No. 2024-000756

TDS of Charleston, LLC, Respondent,
v.
Kenneth Edmondson Appellant.

RESPONDENT'S RETURN
TO APPELLANT'S MOTION TO RECALL REMITTITUR

Respondent TDS of Charleston, LLC ("TDS" or "Respondent"), respectfully submits this Return to Appellant Kenneth Edmondson's Motion to Recall Remittitur. The Motion should be denied because 1) Appellant failed to timely seek reinstatement of the Appeal, barring further review by this Court pursuant to Rule 260(a), SCACR, and 2) the Appeal was properly dismissed by this Court and the South Carolina Supreme Court.

I. **Appellant Failed to Timely Seek Reinstatement of the Appeal Pursuant to Rule 260(a), SCACR, Barring Further Review by this Court.**

Rule 260(a), SCACR addresses dismissals and reinstatements by this court, stating, "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. The clerk *shall* remit the case to the

lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal *has been actually received* by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).” (Emphasis added).

In the present case, this Court dismissed Appellant’s Appeal on May 7, 2025 for failure to comply with the appellate court rules. (Order, Exhibit A). Pursuant to Rule 260(a), SCACR, Appellant had fifteen days from the date of this dismissal—until Thursday, May 22, 2025—to file a Motion for Reinstatement and ensure receipt by this Court. Appellant failed to meet this jurisdictional deadline, waiting until May 28th to mail a “Motion to Reinstate and Reconsider Appeal.” (Motion with Date Stamped Postage Envelope, Exhibit B). As evidenced by this Court’s date-stamped records, the Court did not actually receive the Motion until June 2, 2025, eleven (11) days past the deadline required by Rule 260(a), SCACR.

Notably, the notary signature and date stamp on Appellant’s motion betray Appellant’s false representation that the Motion to Reinstate and Reconsider Appeal was “mailed May 25 and received by the Court June 27, 2025 within the time permitted and while jurisdiction was still active.” (Exhibit B). But even if Appellant’s dates were correct, they would *still* fall outside the window permitted to seek reinstatement pursuant to Rule 260(a), SCRCR. As a result, this Court properly sent the Remittitur to the lower court on May 23, 2025, ending this Court’s appellate jurisdiction over this matter. As this Court’s June 2, 2025 No Action Letter stated, “The Court has received your motion to reinstate dated May 27, 2025. The sending of the remittitur on May 23, 2025 ended this Court’s jurisdiction over your appeal.” (No Action Letter, Exhibit C).

Moreover, on September 29, 2025, the Supreme Court issued an Order related to this matter striking and dismissing Appellant’s Petition for Writ of Certiorari, noting Petitioner’s

failure to file a timely Petition for Rehearing or Petition for Reinstatement with the Court of Appeals, and deeming the appellate jurisdiction in this matter as ended:

Petitioner has filed a petition for a writ of certiorari in this matter. Because Petitioner failed to file a timely petition for rehearing from the Court of Appeals' order of dismissal and the remittitur has been sent pursuant to Rule 221 of the South Carolina Appellate Court Rules (SCACR), Petitioner's petition for a writ of certiorari is stricken and dismissed. See Rule 242(a), SCACR (providing this Court will only review a final decision of the Court of Appeals); Rule 242(c), SCACR (providing a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals); *Stogsdill v. SC Dep't of Health & Human Servs.*, 415 S.C. 568, 784 S.E.2d 669 (2016) (stating the sending of the remittitur ends appellate jurisdiction over a case).

(Supreme Court Order, Exhibit D).

As noted in *Stogsdill*, “[S]ince the opinion of this Court was not subject to any petition for rehearing, the remittitur was properly sent when the opinion was filed. The sending of the remittitur ended appellate jurisdiction over this case, and no further motions will be entertained after the remittitur is sent.” *Stogsdill v. SC Dep't of Health & Human Servs.*, 415 S.C. 568, 784 S.E.2d 669 (2016), citing *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007).

Further, as the South Carolina Supreme Court explained in *State v. Barnes*, 413 S.C. 1, 774 S.E.2d 454 (2015), recalling a remittitur once it is sent down would be highly unusual and require a very strong showing that the remittitur was sent down through some mistake or inadvertence *on the part of the Court or its officer*, and that there is no mechanism for recalling a remittitur that has been sent down due to a party's actions (e.g. failure to comply with the appellate court rules and failure to timely file a petition to reinstate the appeal). The Court explained:

In order to effect a review of respondent's first appeal, this Court would need to recall the remittitur from the circuit court. "In order to justify this court in exercising the unusual power of recalling the remittitur after it has been sent down, a very strong showing would be required that the remittitur was sent down through some mistake or inadvertence on the part of this court or its officer...." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). The State cites no authority, and we are aware of none, that permits the remittitur to be recalled, not because of an error or inadvertence on the part of the Supreme Court, but rather because of post-remittitur conduct by a party. Accordingly, we do not believe that even if we were to find merit to the State's position, that we would be empowered to grant the relief it seeks. See also *Earle v. City of Greenville*, 84 S.C. 193, 65 S.E. 1050 (1909). As explained below, we find no authority supporting the State's position in this matter.

State v. Barnes, 413 S.C. 1, 4, 774 S.E.2d 454 (2015).

Here, the remittitur was sent down to the lower court due to Appellant's repeated failure to comply with the appellate court rules and his failure timely file a Petition to Reinstate Appeal. Because the remittitur was sent down due to Appellant's mistake and inadvertence, and not the Courts, this Court is without authority to exercise the unusual power of recalling the remitter.

Even if this Court had jurisdiction to consider the Motion—which it does not—Appellant's pattern of non-compliance provides independent grounds for denial. As stated in Respondent's April 17, 2025 Renewed Motion to Dismiss Appeal, which this Court granted, *pro se* litigants are not exempt from procedural requirements. (Motion, Exhibit E). While this Court has traditionally afforded *pro se* litigants some latitude in meeting procedural requirements, and did so repeatedly in this case, such latitude has its limits. As the South Carolina Supreme Court has consistently emphasized, "A *pro se* litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law." *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003).

Since initiating this appeal, Appellant has received no fewer than eight deficiency notices from this Court, in addition to this Court's clear and specific corrective order of March 31, 2025.

Despite these multiple notices and the Court’s explicit March 31 Order—which clearly warned that failure to comply would result in dismissal—Appellant ignored both judicial mandates and basic appellate procedure requirements, resulting in dismissal of the appeal. This pattern of non-compliance cannot be excused by Appellant’s *pro se* status.

As stated in *State v. Burton*, “A *pro se* litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.” 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003). This Court’s patience and multiple opportunities for correction should not be mistaken for authorization to ignore appellate procedural requirements. As this Court recognized in its own oft-cited opinion, “There is a limit beyond which the court should allow a litigant to consume the time of the court and to prolong unnecessarily time, effort, and costs to defending parties.” *Georganne Apparel Inc. v. Todd*, 399 S.E.2d 16, 19, 303 S.C. 87, 92 (Ct. App. 1990). This appeal was filed over one year ago and never moved beyond the Initial Briefing phase due to Appellant’s failure to comply with the appellate court rules and this Court’s explicit instructions and Order. Accordingly, Appellant’s Motion to Recall the Remittitur and Reinstate the Appeal should be denied.

II. Because this Appeal was Properly Dismissed by this Court and the South Carolina Supreme Court, Appellant’s Motion to Recall Remittitur and Reinstate Appeal Should be Denied.

To the extent deemed applicable, Respondent incorporates each of the argument set forth in its April 17, 2025 Renewed Motion to Dismiss Appeal (Exhibit E) as additional, independent grounds for denying Appellant’s Motion to Recall Remittitur and Reinstate Appeal.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court deny Appellant’s Motion to Recall Remittitur. The remittitur was properly sent after Appellant failed

to timely seek reinstatement within the fifteen-day jurisdictional deadline set forth in Rule 260(a), SCACR. As the Supreme Court made clear in *State v. Barnes*, 413 S.C. 1, 774 S.E.2d 454 (2015), this Court lacks authority to recall a remittitur that was sent down due to a party's own actions—such as failure to comply with appellate court rules and failure to timely file a petition to reinstate. Because the remittitur here was sent down due to Appellant's mistake and inadvertence, not any error by this Court or its officers, this Court is without authority to exercise the 'unusual power' of recalling the remittitur. *Id.* at 4. Both this Court's June 2, 2025 No Action Letter and the Supreme Court's September 29, 2025 Order confirm that appellate jurisdiction in this matter has ended. Accordingly, Appellant's Motion should be denied.

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

Jesse Sanchez (SC Bar No. 101906)

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Mount Pleasant, South Carolina 29464

(843) 814-8181

jesse@jessesanchezlaw.com

Attorney for Respondent TDS of Charleston, LLC

November 11, 2025

Mount Pleasant, South Carolina

The South Carolina Court of Appeals

TDS of Charleston, LLC, Respondent,

v.

Kenneth Edmondson, Appellant.


Appellate Case No. 2024-000756

ORDER

On March 31, 2025, this court denied Respondent's motion to dismiss, ordered Appellant to file and serve a corrected cover page for his initial brief within ten days, struck Appellant's designation of matter filed on January 6, 2025, and ordered Appellant to file and serve an amended designation of matter in compliance with Rule 209 of the South Carolina Appellate Court Rules within ten days. On April 11, 2025, Appellant filed an amended designation of matter, which was served on April 16, 2025.

On April 17, 2025, Respondent filed a renewed motion to dismiss, arguing to dismiss this appeal because Appellant failed to file and serve a corrected cover page for his initial brief and failed to file and serve an amended designation of matter in compliance with Rule 209. Appellant did not file a return. After careful consideration, we dismiss this appeal. *See* Rule 260, SCACR ("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."); Rule 209(a), SCACR (explaining a designation of matter "shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal"); Rule 209(b), SCACR ("The [d]esignation must clearly identify what the party desires to have included in the [r]ecord on [a]ppeal, and the [d]esignation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the [r]ecord on [a]ppeal."); Rule 210(c), SCACR (stating the record "shall not . . . include matter which was not presented to the lower court or tribunal"). Remittitur

will issue in accordance with Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

cc:
Kenneth Edmondson
W. Jamison Cox, Esquire
Jesse Sanchez, Esquire

FILED
May 07 2025

EXHIBIT B

**MOTION TO REINSTATE APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL
APPEAL FROM CHARLESTON COUNTY
Master in Equity Court
Judge Mikell R. Scarborough Master-IN-Equity,**

TDS of Charleston, LLC, Respondent

v.

Kenneth Edmondson, Appellant(s).

Appellate Case No: 2024-000756

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SC Court of Appeals

MOTION TO REINSTATE AND RECONNCIDER APPEAL

To the Appeal Court, Respondent and/or his/her Attorney;

Please take notice that Kenneth Edmondson will respectfully move before the Presiding Judges of the South Carolina Court of Appeals the ____ day of May 2025 for a Motion to reinstate and reconsider appeal granting the following relief, which will last throughout the appeal process until a final Judgment in this matter:

1. To stay further proceedings through a temporary order, Stay on appeal, and or Injunction until Final Judgment;
2. Kenneth Edmondson received correspondence from the Appeal Court in April 2025 requesting that he make corrections to the captions and designation of matter. On April 11th court of Appeals received the corrected captions and designation of Matter.
3. Rule 56 Motion to enter into the record Uncontested Facts, and to Amend Brief Rule 240 are extremely relevant to the appeal because these issues were raised at the November 29th hearing Judge ignored and proceeded with an action in partition which is the reason for the appeal and these facts are mentioned in the initial brief; Mid-State Distribs., Inc. v. Century Importers, Inc., 310 S.C. 330, 334, 426 S.E.2d 777, 780

(1993) (citation omitted). The fate of Appellant's counterclaims has not been finally determined as long as his motion to amend hangs in the balance.

4. Order Dated June 1, 2021, is relevant because it is evidence of the Quiet Title action signed by Judge Mikell R. Scarborough Master-IN-Equity who at the November 29th hearing denied signing it, and you can see in the original transcripts this fact, the motion to Amend appeal and amendments were nearly finished when we received the following order of dismissal. The appeals court is well aware of my desire to produce such motion to amend after the corrections were made.
5. The appellant has substantially complied with the rule's requirements and No Prejudice to Respondent; an appeal should not be dismissed solely based on a technical violation of Rule 209, South Carolina, Rule 231(a), SCACR, provides a case which has been dismissed by the clerk for failure to comply with the rules may be reinstated upon leave of court "for good cause shown" after notice to all parties. See generally Wham v. Shearson Lehman Brothers, 298 S.C. 462, 381 S.E.2d 499 (Ct.App. 1989)

A dismissal of an appeal solely on technical grounds, meaning due to procedural errors or a failure to adhere to appellate rules, does not result in a final judgment on the merits of the case. A technical dismissal prevents the higher court from reaching a decision about the actual content of the lower court's ruling.

Technical dismissals don't resolve the underlying dispute:

- a. When an appeal is dismissed on technical grounds, the case is usually sent back to the lower court, or the original judgment remains in place, but the higher court has not made any substantive determination about the case's legal issues.
6. Appellant prays court reconsiders so that appeal can be heard by its merits, For Such other and further relief as this court may deem just and proper including granting the motion reinstate appeal.

Smith, Cox & Associates, LLP Attorney,
For respondent TDS of Charleston, LLC

160 East Bay Street, Suite 201
P.O. Box 20458
Phone 843- 853-5577 Charleston, SC 29413

May 27, 2025

KENNETH EDMONDSON,
Appellant(s)

Subscribed and sworn, without prejudice, and with all rights reserved.-

Kenneth Edmondson
Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

Kenneth Edmondson
Signature of Affiant

ACKNOWLEDGMENT

State of South Carolina

county of Charleston
On this 27 day of May, 2025, before me

Personally appeared Kenneth Edmondson, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed, for the purposes therein set forth.

Stacey R Major
(Notary Public)



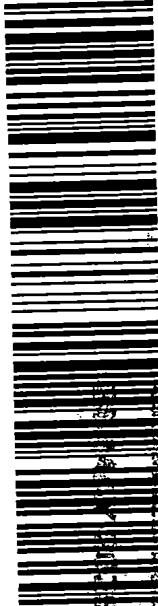
Kenneth Edmondson
337 Huntsman Dr.
Goose Creek SC 29445

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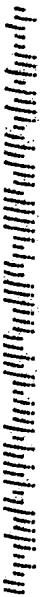




EXHIBIT C

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
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COLUMBIA, SOUTH CAROLINA 29201
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June 02, 2025

Kenneth Edmondson
337 Huntsman Dr.
Goose Creek SC 29445

Re: TDS of Charleston, LLC v. Kenneth Edmondson
Appellate Case No. 2024-000756

Dear Mr. Edmondson:

The Court has received your motion to reinstate dated May 27, 2025. The sending of the remittitur on May 23, 2025 ended this Court's jurisdiction over your appeal. Accordingly, no further action will be taken on your filing and it is being returned to you.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings".

CLERK

cc: W. Jamison Cox, Esquire

EXHIBIT D

The Supreme Court of South Carolina

TDS of Charleston, LLC, Respondent,

v.

Kenneth Edmondson, Petitioner.

Appellate Case No. 2025-001985

ORDER

Petitioner has filed a petition for a writ of certiorari in this matter. Because Petitioner failed to file a timely petition for rehearing from the Court of Appeals' order of dismissal and the remittitur has been sent pursuant to Rule 221 of the South Carolina Appellate Court Rules (SCACR), Petitioner's petition for a writ of certiorari is stricken and dismissed. *See* Rule 242(a), SCACR (providing this Court will only review a final decision of the Court of Appeals); Rule 242(c), SCACR (providing a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals); *Stogsdill v. SC Dep't of Health & Human Servs.*, 415 S.C. 568, 784 S.E.2d 669 (2016) (stating the sending of the remittitur ends appellate jurisdiction over a case).



C.J.

FOR THE COURT

Columbia, South Carolina
September 29, 2025

cc: W. Jamison Cox
Jesse Sanchez
Kenneth Edmondson
The Honorable Jenny A. Kitchings

PROCEDURAL BACKGROUND

On April 25, 2024, Appellant served a Notice of Appeal purporting to challenge the Master-in-Equity's January 25, 2024 Order for Partition. After receiving seven deficiency notices from this Court, Appellant finally filed an Initial Brief and original Designation of Matter on January 6, 2025, both of which were procedurally and substantively deficient. Notably, Appellant's Initial Brief improperly indicated that Appellant—a pro se litigant—was representing other parties to this appeal (specifically, Christopher German, Shirlene Edwards Carpenter, and Rufus Harvey), none of whom had actually appealed the underlying January 25, 2024 Partition Order.

On February 25, 2025, Respondent moved to dismiss the appeal based on multiple grounds, including: (1) Appellant's unauthorized practice of law, (2) failure to serve all respondents, (3) improper attempt to challenge unappealed orders, and (4) noncompliance with Rules 208 and 209, SCACR. Appellant filed no Return to this Motion to Dismiss despite Rule 240(e), SCACR providing that failure to timely file a return "may be deemed a consent by that party to the relief sought in the motion or petition."

Notwithstanding Appellant's failure to file a Return, on March 31, 2025, this Court issued an Order which, while denying the Motion to Dismiss, established specific requirements for Appellant to correct the deficiencies in his filings:

1. Ordering Appellant to file a corrected cover page for his Initial Brief within 10 days so as to reflect that he did not represent any other parties;
2. Striking Appellant's original Designation of Matter filed on January 6, 2025;
3. Ordering Appellant to file an Amended Designation of Matter that complies with Rule 209, SCACR within 10 days; and

4. Warning that failure to comply would result in dismissal of the appeal. (Order, Exhibit A).

The Court's March 31, 2025 Order was explicit in its requirements and warning. Following this Order, Appellant failed to file the amended cover page for his Initial Brief as required. While Appellant did file a document titled "Amended Designation of Matter," it suffers from the same substantive deficiencies as the original Designation of Matter that was struck by this Court. (Amended Designation, Exhibit B). Moreover, Appellant failed to serve Respondent with either document, prompting the Court to issue a deficiency letter on April 11, 2025.

ARGUMENTS

I. The Amended Designation of Matter Fails to Identify Reviewable Documents, Preventing Respondent from Properly Responding and the Court from Conducting Meaningful Review.

On March 31, 2025, this Court struck Appellant's original Designation of Matter that was filed on January 6, 2025, and ordered him to file an Amended Designation that complies with Rule 209, SCACR. Rather than correcting the deficiencies in his original Designation of Matter, the Amended Designation of Matter that Appellant filed after this Order repeats the same substantive errors. Specifically:

1. The Amended Designation of Matter References Non-Existent Orders: Appellant's Amended Designation of Matter designates "Order dated June 1, 2021" and "Order dated November 29, 2023" - neither of which exists in the record. The hearing occurred on November 29, 2023, but the Order on appeal was issued January 25, 2024.
2. The Amended Designation of Matter References a Prospective Rule 56 Motion: Appellant designates a "Rule 56 Motion to enter into the record Uncontested Facts, and to Amend Brief Rule 240" - a document that was never filed with the lower court and

appears to be a prospective motion that Appellant intends to file with this Court. The lower court record contains no such motion.

3. The Amended Designation of Matter Lists Categories of Issues Rather Than Documents: Appellant vaguely designates “Issues of Law and Mistakes by the Judge” as an item #3 - this is not a document at all but rather appears to be a category of issues Appellant wishes to raise, and does not properly designate any actual document in the record.
4. The Amended Designation of Matter Contains Generic References to Unspecified Documents: Appellant generically lists “proof of Service,” “Exhibits,” and “Affidavits” without any specificity as to which proof of service, which exhibits, or which affidavits he is referencing. No exhibits or affidavits were filed by Appellant in the lower court proceedings related to the January 25, 2024 Partition Order.
5. Appellant designates ‘Transcript of Proceedings’ without specifying which hearing’s transcript he is referencing. This lack of clarity is especially problematic given that his initial brief primarily challenges the unappealed January 14, 2021 Quiet Title Order and June 13, 2023 Order rather than the January 25, 2024 Partition Order that is ostensibly under appeal.

The Amended Designation of Matter filed by Appellant on April 8, 2025 demonstrates a serious misunderstanding of Rule 209, SCACR, which requires specific identification of materials actually present in the lower court record. Rule 210(c), SCACR, explicitly prohibits including matters in the record on appeal that were not presented to the lower court. Based on Appellant’s previously filed original Designation of Matter, these deficiencies appear to be part of a continued effort to introduce new evidence and arguments at the appellate level, demonstrating a complete misunderstanding of the scope of appeals.

These deficiencies prevent Respondent from properly responding to this appeal, as there is no way to determine what is actually being designated for review. Without a proper designation of the actual order on appeal and the relevant record, Respondent is left to guess at materials are being presented to this Court, and consequently, how to respond to these prospective and/or otherwise undefined documents.

Further, this Court's power of review is limited to the record as it existed in the trial court. Rule 210(h), SCACR (stating that the appellate court will not consider any fact which does not appear in the Record on Appeal). An appellant may not use the appeal to introduce evidence or raise issues not presented to the trial court. See *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.") Appellant's failure to properly designate the record prevents this Court from conducting any meaningful review. Just as Appellant's Initial Brief fails to raise a single reviewable issue properly preserved below, his Designation of Matter demonstrates a complete and continued misapprehension of what materials are properly subject to appellate review.

II. Appellant's Failure to Amend His Initial Brief to Reflect That He Does Not Represent Other Parties.

In its March 31, 2025 Order, this Court specifically directed Appellant to file a corrected cover page for his Initial Brief to reflect that he does not represent any other parties to this appeal. The Court cited S.C. Code Ann. § 40-5-310 (2011), which provides that "No person may either practice law or solicit the legal cause of another person or entity in this State unless he is enrolled as a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South

Carolina.” Despite this clear instruction, Appellant has failed to file the required amended cover page.

This failure is particularly significant given that Appellant’s Initial Brief improperly indicated that he was representing Christopher German, Shirlene Edwards Carpenter, and Rufus Harvey, none of whom had appealed the underlying January 25, 2024 Partition Order. As noted in our initial Motion to Dismiss, in *Brown v. Coe*, the South Carolina Supreme Court established that the filing of a notice of appeal and the preparation of briefs required to further perfect an appeal constitute the practice of law; that non-lawyers are prohibited from taking such actions on behalf of others pursuant to S.C. Code § 40-5-310; and that this prohibition is necessary to protect the public from representation by those unlearned in the law. 365 S.C. 137, 142, 616 S.E.2d 705, 708 (2005).

This is not an isolated incident but appears to be an ongoing issue. The lower court explicitly warned Appellant against such representation during the proceedings below, stating “Well, she [Ms. Gibson] can represent herself but you can’t represent her.” (Tr. p. 8:22-24).¹ The Court also reminded Appellant of his non-lawyer status, noting “I know you’re not a lawyer. I know you are a litigant.” (Tr. p. 16:2-3). Despite these admonitions, Appellant has persisted in purporting to represent other parties, and failing to file an amended cover page to his Initial Brief indicating otherwise.

III. *Pro Se* Litigants Are Not Exempt from Procedural Requirements.

While this Court has traditionally afforded *pro se* litigants some latitude in meeting procedural requirements, such latitude has its limits. As the South Carolina Supreme Court has consistently emphasized, “A *pro se* litigant who knowingly elects to represent himself assumes

¹ See Exhibits to original Motion to Dismiss, filed February 25, 2025.

full responsibility for complying with substantive and procedural requirements of the law.” *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003).

The deficiencies in Appellant’s filings are not mere technical errors but rather serious failures that prevent meaningful appellate review. Since initiating this appeal, Appellant has received no fewer than eight deficiency notices from this Court, in addition to this Court’s clear and specific corrective order of March 31, 2025. Despite these multiple notices and the Court’s explicit March 31 Order—which clearly warned that failure to comply would result in dismissal—Appellant continues to ignore both judicial mandates and basic appellate procedure requirements. This pattern of non-compliance cannot be excused by Appellant’s *pro se* status.

This continued delay and procedural non-compliance is causing direct prejudice to Respondent’s use of the subject property. The January 25, 2024 Partition Order was the next step after two prior final orders: the January 14, 2021 Quiet Title Order establishing ownership percentages and the June 13, 2023 Order conveying an additional property interest to Respondent. Both prior orders were fully appealable but no appeals were taken, rendering them final and binding. By attempting to relitigate these settled matters rather than properly addressing the Partition Order itself, Appellant’s procedural failures are effectively preventing Respondent from realizing the benefits of properly adjudicated property rights and the full use of property interests that are now conclusively established by law.

This Court has already given Appellant multiple opportunities to correct the deficiencies in his appeal. The Court struck his original Designation of Matter filed on January 6, 2025, and explicitly ordered him to file an Amended Designation of Matter that complies with Rule 209, SCACR. Despite this instruction, the Amended Designation of Matter that Appellant

subsequently filed repeats the same substantive errors found in his original Designation of Matter and fails to comply with basic procedural requirements.

The Court has already been exceedingly patient with Appellant. The South Carolina Supreme Court has consistently held that *pro se* status does not excuse procedural non-compliance. As stated in *State v. Burton*, “A *pro se* litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.” 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003). This Court’s patience and multiple opportunities for correction should not be mistaken for authorization to ignore appellate procedural requirements. As this Court recognized in its own oft-cited opinion, “There is a limit beyond which the court should allow a litigant to consume the time of the court and to prolong unnecessarily time, effort, and costs to defending parties.” *Georganne Apparel Inc. v. Todd*, 399 S.E.2d 16, 19, 303 S.C. 87, 92 (Ct. App. 1990). This appeal was filed nearly one year ago and has still not moved beyond the Initial Briefing phase due to Appellant’s failure to comply with the appellate court rules and this Court’s explicit instructions and Order. The appeal should be dismissed.

IV. Appellant’s Appeal Improperly Focuses on Unappealed Orders Rather Than the Partition Order.

As evidenced by both his original and Amended Designations of Matter, as well as his Initial Brief, Appellant’s true purpose in this appeal is to challenge the January 14, 2021 Quiet Title Order and the June 13, 2023 Order conveying Ms. Bonner’s interest to TDS - both unappealed orders that are now the law of the case. Rather than properly addressing the January 25, 2024 Partition Order that is ostensibly under appeal, Appellant’s Brief contains only a single reference to the partition proceedings, and even this reference is made solely to challenge the underlying unappealed Quiet Title Order. Most tellingly, Appellant fails to designate the

January 25, 2024 Partition Order in his Amended Designation of Matter, further confirming his intent to improperly relitigate settled matters rather than pursue a legitimate appeal of the Partition Order.

Further confirming this improper purpose, Appellant's Amended Designation continues to reference prospective documents such as "Rule 56 Motion to enter into the record Uncontested Facts, and to Amend Brief Rule 240" and vague categories like "Issues of Law and Mistakes by the Judge" - none of which relate to the Partition Order actually on appeal. This pattern of designating non-existent, future documents demonstrates Appellant's intention to use this appeal as a vehicle to collaterally attack prior unappealed orders rather than to properly appeal the January 25, 2024 Partition Order.

The law in South Carolina is clear: "Appellant may not seek relief from the prior unappealed order of the circuit court because the order has become the law of the case." *Judy v. Martin*, 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009). Both the 2021 Quiet Title Order and the 2023 Order could have been appealed, but were not.

Moreover, Appellant's Initial Brief fails to comply with Rule 208(b)(1)(E), SCACR, which requires an appellant's brief to contain substantive "arguments" addressing the issues. Instead, Appellant's "Arguments" section consists of four Roman numerals, each one sentence long, with no discussion or citation to authorities. As this Court has held, "South Carolina law clearly states that short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review." *Glasscock, Inc. v. U.S. Fid. and Guar. Co.*, 348 S.C. 76, 81, 557 S.C.2d 689, 691 (Ct. App. 2001).

While the Court may be sympathetic to the challenges faced by a self-represented litigant, Appellant's complete failure to address the actual order on appeal in any meaningful way renders this appeal defective.

CONCLUSION

Despite the Court's previous order and explicit instructions, Appellant has again failed to comply with the most basic procedural requirements for appellate review. The Amended Designation of Matter that Appellant filed after the Court struck his original Designation of Matter suffers from the same substantive deficiencies as that original Designation of Matter, improperly attempting to designate non-existent orders, prospective documents, and matters never presented to the lower court.

Additionally, Appellant has failed to file the ordered amended cover page for his Initial Brief, so as to reflect that he does not represent other parties to this appeal. This failure is compounded by the fact that his Initial Brief contains no meaningful arguments addressing the Partition Order under appeal, failing to comply with Rule 208(b)(1)(E), SCACR, which requires substantive discussion of issues with citation to authorities.

While this Court has given Appellant, as a *pro se* litigant, some latitude in meeting procedural requirements, his continued failure to comply with Court orders and basic appellate procedure demonstrates that meaningful review of this appeal is impossible. The combination of jurisdictional defects, improper challenges to unappealed orders, and pervasive rule violations warrants dismissal of this appeal pursuant to Rule 240, SCACR.

[Signature on following page]

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

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Attorney for Respondent TDS of Charleston, LLC

April 17, 2025

Mount Pleasant, South Carolina

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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

The Honorable Mikkell R. Scarborough
Master in Equity

Appellate Case No. 2024-000756

| | |
|-------------------------|-------------|
| TDS of Charleston, LLC, | Respondent, |
| | v. |
| Kenneth Edmondson | Appellant. |

PROOF OF SERVICE

I, the undersigned, certify that I have served *Respondent's Return to Appellant's Motion to Recall Remittitur and Motion for Extension of Time* via United States Certified First Class Mail on the *pro se* Appellant of Record in this matter on this 11th day of November 2025 at the following address:

Mr. Kenneth Edmondson
337 Huntsman Dr.
Goose Creek, SC 29445

[Signature on following page]

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

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Attorney for Respondent TDS of Charleston, LLC

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November 11, 2025

VIA UNITED STATES FIRST CLASS MAIL AND
EMAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211



RE: TDS of Charleston, LLC, Respondent v. Kenneth Edmondson, Appellant
Appellate Case No. 2024-000756

Dear Ms. Kitchings:

On behalf of Respondent TDS of Charleston, LLC, attached for filing, please find the following:

1. Respondent's Return to Appellant's Motion to Recall Remittitur;
2. Motion for Extension of Time to file the Respondent's Instant Return; and
3. Proof of Service.

Please be advised that a check from The Law Office of Jesse Sanchez, LLC for the fifty-dollar (\$50.00) filing fee has been deposited in today's outgoing mail.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss the filing, please do not hesitate to contact me directly.

Sincerely,

s/Jesse Sanchez

Jesse Sanchez (SC Bar No. 101906)

Cc: Kenneth Edmonson (Via U.S. First Class Certified Mail)
W. Jamison Cox, Esq. (Via email only)