

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Nov 14 2025

SC Court of Appeals

APPEAL FROM THE BERKELEY COUNTY
COURT OF COMMON PLEAS

The Honorable Jennifer McCoy, Circuit Court Judge

Appellate Case No. 2024-002032
Case No.: 2021-CP-08-00087

AKPA Chemicals US, Inc. Appellant,

v.

Tunc Eren Respondent.

APPELLANT’S MOTION TO SERVE BOUND COPY OF FINAL BRIEF

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Attorney for Appellant

Appellant hereby respectfully requests and moves this Court for permission to serve and file the bound copies of the record on appeal and Appellant's final brief outside of the filing deadlines. Appellant's Motion is based on the following:

BRIEF STATEMENT OF FACTS

This Motion arises from Appellant's failure to timely file a bound paper copy of Appellant's Final Brief as required by Rule 267(d), SCACR, and as directed by the Court of Appeals in its September 23, 2025, letter. Although Appellant timely served and electronically filed the Final Brief and the Record on Appeal on the date required by Rule 211, Appellant understood the 2024 amendments to Rule 267—particularly the Supreme Court's April 24, 2024, and April 30, 2024, administrative orders governing electronic filing and formatting requirements—to mean that an unbound or electronically filed copy of the Final Brief and the Record on Appeal satisfied the rule unless otherwise instructed.

On November 4, 2025, the Court notified Appellant that the deadline for filing the bound copy of the Final Brief had expired and directed Appellant to serve and file the bound copy within ten days together with a motion seeking permission to file the bound copy outside the deadlines established by Rules 210 and 211, SCACR. Appellant promptly complied with the Court's directive and filed the bound paper copy within the ten-day window specified in the Court's letter. Appellant now respectfully submits this motion pursuant to Rule 240, SCACR, requesting leave of Court to accept the bound copy of the Final Brief and the Records on Appeal as filed outside the original deadline.

ARGUMENTS IN SUPPORT OF GRANTING APPELLANT'S MOTION

Appellant respectfully requests leave to file the bound copy of the Final Brief and Records on Appeal outside the deadline established by Rule 211, SCACR. Rule 240(c), SCACR, authorizes

the Court to grant relief upon written motion showing good cause, and Rule 263, SCACR, expressly permits the Court to extend any time period prescribed by the South Carolina Appellate Court Rules when justice so requires. Good cause exists here, and justice so requires.

First, Appellant timely served and electronically filed the Final Brief and Records on Appeal in full compliance with Rule 211. The only deficiency was the failure to file the bound paper copy. This omission was inadvertent and was the direct result of a good-faith misunderstanding arising from the Supreme Court's 2024 amendments to Rule 267 and its related administrative orders, which emphasize electronic filing, eliminate many former paper-copy requirements, and provide that only an unbound copy must be filed unless the Court requests additional copies. Appellant reasonably believed that the electronically filed brief, together with the unbound filing, satisfied the rule absent additional instruction.

Appellant misunderstood the instructions contained in the September 23, 2025, correspondence from the Court, which stated, "The bound copies are due to be served and filed at the same time as the original record on appeal and final briefs." Appellant's misunderstanding arose from the fact that Appellant timely served its Final Brief and Record on Appeal on September 11, 2025, and the September 23, 2025, correspondence from the Court seemed incongruous as it relates to the specified timing to serve bound copies. Appellant served and filed the Final Brief and Record on Appeal twelve days before it received the correspondence from the Court and did not understand how it was to comply with the timing requirement described above if the bound copies were to be filed at the same time as the original filing. This incongruity coupled with no specified date for filing the bound copies left Appellant unsure of when the bound copies were required to be filed.

Second, the Court has not entered an order of dismissal under Rule 260, SCACR, and instead afforded Appellant a ten-day opportunity to cure the filing defect. Appellant fully complied with the Court's directive, filed the bound copy within the prescribed ten-day period, and now brings this motion as required by the Court's November 4, 2025, and November 13, 2025, letters. Because the appeal has remained active and the filing defect has been cured, dismissal is neither required nor appropriate.

Third, Respondent suffers no prejudice from the brief delay. The Final Brief itself was timely served and filed, and the bound copy adds no new content. The purpose of the bound copy requirement—uniformity, usability, and accessibility for the Court—is fully satisfied by the bound copy already submitted.

Under these circumstances, good cause plainly exists to accept the bound copy of the Final Brief as timely filed. Appellant acted promptly upon receiving the Court's directive, corrected the oversight within the ten-day period provided, and has proceeded in good faith throughout. Appellant therefore respectfully requests leave to file the bound Final Brief outside the original deadline and that the appeal continue without further consequence.

CONCLUSION

For all of the foregoing reasons, Appellant's Motion should be granted.

November 14, 2025

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PROOF OF SERVICE

I certify that I have served the *Appellant's Motion to Serve Bound Copy of Final Brief* by forwarding via electronic mail and electronic filing and/or U.S. mail on November 14, 2025 addressed to the Respondent, Tunc Eren, to the South Carolina Court of Appeals, and to the Berkeley County Court of Common Pleas at the following:

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Email: tunceren283@gmail.com
Respondent

Berkeley County Court of Common Pleas
c/o Clerk of Court
300-B California Ave.
Moncks Corner, SC 29461
Case No. 2021-CP-08-00087

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