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**Nov 17 2025**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In The Court of Appeals**

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APPEAL FROM BERKELEY COUNTY

COURT OF COMMON PLEASE

The Honorable Jennifer McCoy, Circuit Court Judge

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Case No. 2021-CP-08-00087

Appellate Case No. 2024-002032

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Tunc Eren .....Respondent,

v

AKPA Chemicals US, Inc.....Appellant

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**RESPONDENT'S OPPOSITION TO APPELLANT'S MOTION TO SERVE BOUND  
COPY OF FINAL BRIEF AFTER DEADLINE**

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*/s/Tunc Eren*

2966 Scout Street

Saint Cloud FL 34771

Telephone: (843) 642-9334

Email: [tunceren283@gmail.com](mailto:tunceren283@gmail.com)

***Pro Se Respondent***

Other Party of Record:

***Michael E. Patterson, Jr.***

***Patterson Law Group, LLC***

15 State St.

Charleston, South Carolina 29401

Telephone: (843) 202-0901

Email: Michael@pattersonlawsc.com

***Attorney for Appellant***

## **RESPONDENT'S OPPOSITION TO APPELLANT'S MOTION TO SERVE BOUND COPY OF FINAL BRIEF AFTER DEADLINE**

### **I. INTRODUCTION**

Respondent Tunc Eren respectfully submits this Opposition to Appellant's Motion to Serve Bound Copy of Final Brief After Deadline. Respondent incorporates and integrates his Amended Supplemental Motion to Dismiss Appeal (filed July 21, 2025), which documents Appellant's knowing use of forged evidence and intentional misconduct. The procedural violation at issue—failure to timely serve and file bound copies—must be understood in the context of Appellant's broader pattern of bad-faith litigation. Appellant's claim of "good-faith misunderstanding" cannot survive in light of the full record.

### **II. ARGUMENT**

#### **A. Appellant Admits Violating the Mandatory Rule**

Appellant concedes it failed to timely file a bound paper copy of the Final Brief as required by Rule 267(d), SCACR. A party who admits such a violation bears the burden of establishing good cause, which Appellant has not met.

#### **B. A "Misunderstanding" of the Rules is Not Good Cause**

Appellant argues it believed electronic filing alone satisfied the rule. This argument fails. Rule 267(d) clearly requires bound copies within five days of electronic submission. Courts do not accept misunderstanding as good cause to excuse mandatory deadlines.

#### **C. The Claimed Confusion Created by the September 23 Clerk's Letter is Not Credible**

Deadlines arise from the rules themselves, not courtesy letters. If Appellant was unsure, Appellant had a duty to contact the Clerk. Instead, Appellant missed the deadline. The September 23, 2025 letter explicitly confirmed the requirement for bound copies, cited Rule 267, and explained the binding requirements.

Further, the Court's November 13, 2025 correspondence confirms Appellant remained out of compliance even after the November 4, 2025 ten-day caution letter. The Clerk again informed Appellant that the Court still required (1) a bound copy of the Record on Appeal, (2) a bound copy of the Final Brief, and (3) a motion requesting permission to file late. This demonstrates Appellant only attempted compliance after repeated Court intervention, undermining any claim of good faith.

#### **D. Appellant's History of Procedural Failures Demonstrates Neglect and Bad Faith**

Appellant's pattern of neglect predates this violation. Past failures to meet deadlines, misstatements regarding transcripts, and repeated procedural deficiencies undermine any claim of reliability or diligence.

#### **E. Lack of Prejudice to Respondent Is Irrelevant Under Rule 260(a)**

Rule 260(a), SCACR, mandates dismissal when Appellant fails to comply with the time limitations in Rules 207–211. Prejudice is irrelevant. Nevertheless, Respondent has suffered prejudice through prolonged litigation, unnecessary costs, and continued uncertainty caused by Appellant's conduct.

#### **F. Appellant Acted Only After the Court Threatened Dismissal**

Appellant did not act voluntarily. Appellant filed this motion only after receiving a ten-day dismissal warning, on the last day of the notice. Such reactive conduct does not constitute good cause.

#### **G. Appellant's Knowing Use of Forged Evidence Eliminates Any Claim of Good Faith**

Appellant's misconduct extends far beyond procedural violation. Respondent's Amended Supplemental Motion to Dismiss Appeal shows Appellant knowingly relied on forged documents—including a falsified lease agreement and falsified vehicle document—both at trial and in appellate briefing.

Respondent provided Appellant with authentic versions of these documents and notified Appellant of the forgeries on March 23, 2024. Despite receiving actual notice and corrected documents, Appellant continued relying on the forged materials in its Initial Brief (June 25, 2025) and Reply Brief (July 11, 2025).

**\*\*Deposition Testimony Confirms Counsel's Knowledge.\*\*** During Respondent's deposition—conducted directly by Appellant's counsel—Respondent identified and explained that the lease agreement and Subaru document were forged. Counsel questioned Respondent about the discrepancies, thereby receiving direct, firsthand knowledge of the falsity of these documents. Despite this actual knowledge, Appellant continued to rely on the forged documents in its appellate filings. This constitutes intentional misconduct and violates Rule 3.3(a)(3), SC Rules of Professional Conduct. A litigant who knowingly relies on forged evidence cannot credibly assert confusion or good faith.

#### **H. The Court Should Exercise Its Inherent Authority to Dismiss and Refer the Matter to ODC**

Given Appellant's repeated noncompliance, intentional misconduct, and fraud on the Court, dismissal is necessary to protect the integrity of the appellate process. Respondent

respectfully requests dismissal under Rule 260(a), SCACR, and referral of Appellant's counsel to the Office of Disciplinary Counsel.

### **III. CONCLUSION**

The procedural violation cannot be separated from Appellant's broader misconduct. The failure to file bound copies is only the latest example of Appellant's disregard for the rules, the truth, and the authority of this Court. Appellant's claim of good-faith misunderstanding is legally insufficient and factually impossible given its documented, intentional use of forged evidence.

For these reasons, Respondent respectfully requests DENIAL of Appellant's Motion to Serve Bound Copy of Final Brief After Deadline, DISMISSAL of the appeal under Rule 260(a), SCACR, and REFERRAL of this matter to the Office of Disciplinary Counsel.

November 17, 2025

Respectfully submitted,

Tunc Eren

Signed using Scribble  
2025-08-10 11:45:59

Tunc Eren  
Respondent, Pro Se  
2966 Scout Street  
St. Cloud, FL 34771  
(843) 642-9334  
tunceren283@gmail.com

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2025, a true and correct copy of the foregoing RESPONDENT’S OPPOSITION TO APPELLANT’S MOTION TO SERVE BOUND COPY OF FINAL BRIEF AFTER DEADLINE was served via Electronic mail and/or US Mail all parties mentioned below.

NOVEMBER 17, 2025

Tunc Eren  
Tunc Eren

Signed using DocuSign  
2025-09-10 11:45:59

2966 Scout Street

Saint Cloud FL 34771

Telephone: (843) 642-9334

Email: [tunceren283@gmail.com](mailto:tunceren283@gmail.com)

***Pro Se Respondent***

Other Party of Record:

***Michael E. Patterson, Jr.***

***PATTERSON LAW GROUP, LLC***

15 STATE ST

CHARLESTON SOUTH CAROLINA 29401

Telephone: (843)202-0901

Email: [michael@pattersonlawsc.com](mailto:michael@pattersonlawsc.com)

***Attorney for Appellant***