

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Nov 18 2025

SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable William P. Keesley, Circuit Court Judge

Trial Court Case No. 2022-CP-32-02339
Appellate Case No. 2025-000647

Nancy Arellano, individually
and as parent and natural guardian
of Minor Z.A.,

Respondent,

v.

School District No. Two of Lexington
County, State of South Carolina,

Appellant.

APPELLANT'S RETURN TO RESPONDENT'S MOTION
FOR LEAVE TO FILE FINAL CORRECTED INITIAL BRIEF



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Attorney for Respondent

ARGUMENT

Appellant, Lexington School District Two, respectfully moves for an Order denying Respondent's Motion for Leave to File a Final Corrected Respondent's Brief. In her motion, Respondent seeks permission to insert into the initial brief she filed on October 31, 2025, citations to the record on appeal in this matter, including witness testimony and documentary evidence presented at trial.

Appellant filed its reply to Respondent's initial brief on November 10, 2025. In its reply, Appellant noted the glaring deficiencies in Respondent's initial brief and responded to Respondent's legal arguments. If Respondent is now allowed to amend her initial brief, Appellant will be prejudiced as South Carolina Appellate Court Rule 208 does not permit additional pleadings after briefing has closed, other than the submission of each party's final brief.

In her motion, Respondent claims her amendments to her initial brief will merely insert citations to the record and will not change the arguments upon which her response to Appellant's appeal is based. However, the absence of any citations to the record in Respondent's initial brief demonstrates that, at the time it filed its reply, Appellant was unaware of the specific sworn witness testimony or documentary evidence upon which Respondent based her legal arguments. Such a void of references forced Appellant to argue in a general, rather than specific, way that Respondent's arguments were not based on actual trial testimony taken in the proper context.

Respondent also fails to demonstrate good and sufficient cause for her requested relief. Specifically, Respondent has provided no justification for her failure to include the required record citations, simply saying she was filing her motion out of an abundance of caution.

Under case law and Rule 208(b)(1)(D), SCACR, the Court has the authority to disregard any factual assertion set forth in a party's initial brief that is unsupported by a citation to the record on appeal. Here, to preserve the established appellate process, provide Appellant a fair appeal, and

adhere to the principles of judicial economy, Appellant requests the Court to exercise that authority.

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v.

School District No. Two of Lexington County,
State of South Carolina,

Appellant.

CERTIFICATE OF COUNSEL

This is to certify that Appellant Lexington County School District Two's Return to Respondent's Motion for Leave to File Final Corrected Initial Brief complies with Rule 240(c), SCACR.



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Appellant.

PROOF OF SERVICE

I certify that I have served *Appellant Lexington County School District Two's Return to Respondent's Motion for Leave to File Final Corrected Initial Brief, and Certificate of Counsel*, to the Attorney of Record, Trevor P. Eddy, by electronic mail to email address, trevor@theeddylawfirm.com.



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November 18, 2025

VIA EMAIL

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Re: Nancy Arellano (Z.A.) v. School District No. Two of Lexington County, SC
Appellate Case No. 2025-000647

Dear Ms. Kitchings:

Please find the following documents for filing in the above-referenced matter:

- 1) Appellant's Return to Respondent's Motion for Leave to File Final Corrected Initial Brief;
- 2) Appellant's Proof of Service; and
- 3) Appellant's Certificate of Counsel.

If there are any issues with the filings, please let me know and I will correct any issues before the close of business today.

Thank you for your assistance in this matter.

Sincere regards,

Dylan A. Crossland

Enclosures

c: Andrea E. White, Esq. (w/o enclosures)
Trevor P. Eddy, Esq. (Email)