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SC Court of Appeals

**APPELLANT'S AMENDED REPLY TO RESPONDENT'S RETURN TO MOTION
TO RECALL REMITTITUR**

INTRODUCTION

Appellant respectfully submits this Amended Reply addressing Respondent's Return to the Motion to Recall Remittitur Respondent's arguments selectively apply precedent, ignore material facts, and misinterpret this Court's authority under Rules 221(b), 231(a), and 260(a), SCACR Appellant timely mailed and the Court timely received the Motion to Reconsider and Reinstate on May 27, 2025—before remittitur transmission was finalized Multiple motions, including those under Rules 56 and 240, remained pending These procedural irregularities satisfy the standard for recalling the remittitur to prevent manifest injustice.

FACTUAL CLARIFICATIONS

Appellant's Motion to Reconsider was prepared, notarized, and mailed on May 25, 2025, and received on May 27 Any later file stamps reflect internal processing delays Respondent's accusation of misrepresentation is unfounded Appellant diligently corrected deficiencies and complied with Court directives

Respondent identifies no prejudice from reinstatement.

LEGAL ARGUMENT – AUTHORITY TO RECALL REMITTITUR

Rule 221(b) authorizes recall of remittitur when its issuance results from mistake, inadvertence, or clerical error State v Barnes and Stogsdill affirm this authority Because multiple filings remained pending and the Court received Appellant's motion before transmission was complete, recall is appropriate.

LEGAL ARGUMENT – GOOD CAUSE FOR REINSTATEMENT

Rule 231(a) permits reinstatement for good cause Appellant demonstrated diligence, timely action, and substantial compliance

Under Wham and Mid-State Distributors, technical errors should not bar appellate review where the record is substantially developed.

LEGAL ARGUMENT – EQUITABLE TOLLING

External factors—including postal delays, internal court processing, and overlapping deficiency notices—impeded full compliance Burgess v State and Harris v Hutchinson support equitable tolling where the litigant acts diligently.

LEGAL ARGUMENT – DUE PROCESS

Dismissal despite timely filings violates *Mullane v Central Hanover Bank* and *M.L.B v S.L.J*
Appellant is entitled to notice and an opportunity to be heard Termination of appellate review under these circumstances is unconstitutional.

REBUTTALS TO RESPONDENT’S CLAIMS

Respondent incorrectly claims jurisdiction ended Actual receipt occurred May 27
Respondent mischaracterizes Appellant’s compliance while ignoring pending motions
Respondent alleges false representation without evidence, ignoring affidavit-supported facts
Extraordinary circumstances exist based on overlapping deadlines, pending motions, and absence of prejudice.

CONCLUSION

Appellant requests that the Court recall the remittitur, reinstate the appeal, and accept pending motions into the record These steps ensure fairness, uphold due process, and allow resolution on the merits.

TABLE OF AUTHORITIES

- *Ex parte Jeter*, 281 S.C. 126 (1984)
- *State v. Barnes*, 413 S.C. 1, 774 S.E.2d 454 (2015)
- *Stogsdill v. SCDHHS*, 415 S.C. 568, 784 S.E.2d 669 (2016)
- *Wham v. Shearson Lehman Bros.*, 298 S.C. 462 (1989)
- *Mid-State Distributors v. Century Importers*, 310 S.C. 330 (1993)
- *Burgess v. State*, 522 S.E.2d 208 (S.C. 1999)
- *Harris v. Hutchinson*, 209 F.3d 325 (4th Cir. 2000)
- *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950)
- *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996)
- Rules 221(b), 231(a), 260(a), SCACR

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

TDS of Charleston, LLC,
Respondent,

v.

Kenneth Edmondson,
Appellant.

Appellate Case No.: **2024-000756**
Lower Court Nos.: **2020-CP10-01867 / 2021-CP10-02419**

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SC Court of Appeals

PROOF OF SERVICE

(For Appellant's Reply to Respondent's Return to Motion to Recall Remittitur)

I, **Kenneth Edmondson**, hereby certify that I served a true and correct copy of:

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

Upon the following parties **by Certified Mail and/or by hand-delivery**, pursuant to Rule 262, SCACR:

1. W. Jamison Cox, Esq.
Smith, Cox & Associates, LLP
160 East Bay Street, Suite 201
P.O. Box 20458
Charleston, SC 29413
Phone: (843) 853-5577
Attorney for Respondent TDS of Charleston, LLC

2. The Honorable Mikell R. Scarborough
Master-in-Equity, Charleston County
100 Broad Street, Suite 266
Charleston, SC 29401

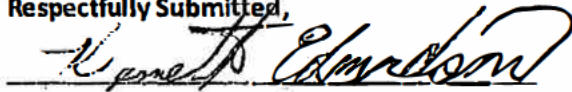
3. Charleston County Clerk of Court – Common Pleas Division
100 Broad Street, Suite 143
Charleston, SC 29401

4. TDS of Charleston, LLC
P.O. Box 248
Mount Pleasant, SC 29465

5. South Carolina Court of Appeals – Clerk of Court
1220 Senate Street
Columbia, SC 29201
Phone: (803) 734-1890
Fax: (803) 734-1839

Service was completed on this the 21 day of November, 2025.

Respectfully Submitted,

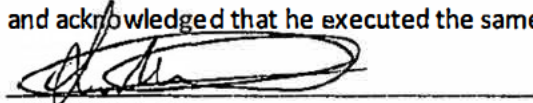


Kenneth Edmondson, Appellant
Proceeding in Propria Persona, Sui Juris
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[843 853-5577]

ACKNOWLEDGMENT

State of South Carolina
County of Charleston

On this 21st day of November, 2025, before me personally appeared **Kenneth Edmondson**, known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same for the purposes therein contained.



Notary Public for South Carolina
My Commission Expires: 1/5/2033

CERTIFIED MAIL

Kenneth Edmondson
337 Huntsman Dr.
Goose Creek, SC 29445



9589 0710 5270 2705 3744 76

Retail



29201

U.S. POSTAGE PAID
FCM LETTER
NORTH CHARLESTON
SC 29405
NOV 21, 2025

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S.C. SUPREME COURT

Appelant Court Rule
1231 Gervais ST
Columbia, S.C. 29201

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