

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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DEC 16 2025

SC Court of Appeals

106721

APPEAL FROM SALUDA COUNTY  
Court of Common Pleas

Martha M. Rivers, Circuit Court Judge

Case No. 2023-CP-41-00232

Sandra Holmwood and Hugh Price..... Appellant,

v.

Lisa Molstad..... Respondent

**APPELLANT'S MOTION TO STRIKE FORMER COUNSEL'S BRIEF**

Appellants, Sandra Holmwood and Hugh Price, each appearing pro se, moves the Court pursuant to Rule 240, SCACR, to (1) strike the initial brief filed by former counsel after counsel filed a motion to withdraw and informed Appellants that no further work would be performed; (2) confirm Appellants' pro se initial brief as the operative brief; (3) grant Appellants leave to appear pro se nunc pro tunc to the date of filing said brief; and (4) grant any necessary schedule adjustments. In support, Appellants state as follows:

**RELIEF REQUESTED**

1. Strike the initial brief filed by former counsel on December 8, 2025, as unauthorized.
2. Confirm that Appellants' pro se initial brief, filed on December 8, 2025, is the operative brief for all purposes in this appeal.
3. Grant Appellants leave to appear pro se or alternatively from the date of this order.

## **FACTUAL BACKGROUND**

1. Appellants and former counsel, Rolf Baghdady, agreed that counsel would withdraw from representing Appellants in this appeal.
2. Former counsel informed Appellants that counsel would perform no further work on this appeal.
3. On November 28, 2025, former counsel filed a motion to withdraw.
4. After filing the motion to withdraw but before the Court ruled on said motion, Appellants filed a pro se initial brief on December 8, 2025. (Exhibit B.)
5. After filing the motion to withdraw, having informed Appellants that no further work would be performed, and after Appellants filed a pro se brief, former counsel filed an initial brief on December 8, 2025. (Exhibit A.)
6. On December 12, the Court entered an order granting former counsel's motion to withdraw. (Exhibit C.)

Appellants now file contemporaneously: (1) this motion; (2) a Notice of Pro Se Appearance; (3) Appellants' affidavits supporting these factual allegations; and (4) a memorandum of law. (Exhibits D, E.)

## **LEGAL STANDARD**

Motions in the appellate courts must be written, supported by affidavits when facts are outside the Record on Appeal, and accompanied by a certificate of service; an opposing party has 10 days to file a return. Rule 240(c), (d), (e), SCACR.

Rule 208, SCACR, governs initial briefs and contemplates a single "brief of appellant" triggering the briefing schedule.

Upon termination of representation, counsel must take steps to protect the client; the client controls the objectives of the representation. Once counsel agrees to withdraw, informs the client that no further work will be performed, and files a motion to withdraw, counsel's

authority to continue substantive representation ceases. Rules 1.16(c)–(d) and 1.2(a), RPC (Rule 407, SCACR).

## **ARGUMENT**

### **A. Former Counsel Lacked Authority After Agreeing to Withdraw and Filing a Motion to Withdraw.**

Once former counsel agreed to withdraw, informed Appellants that no further work would be performed, and filed a motion to withdraw, counsel's authority to continue substantive representation ceased. Any filing purporting to speak for Appellants after these events—particularly after Appellants filed a pro se brief in reliance on counsel's representations—is unauthorized and should be stricken.

### **B. The Court Should Confirm Appellants' Pro Se Brief as the Single, Operative Brief.**

Rule 208 provides for one appellants' initial brief and sets the schedule for respondent's briefing. To eliminate confusion and prejudice, the Court should confirm Appellants' pro se initial brief as the operative brief and strike the unauthorized filing by former counsel.

Appellant acted in good faith reliance on former counsel's representations and should not be bound by arguments in a brief filed by counsel who had already initiated withdrawal.

## **REQUESTED ORDER**

For these reasons, Appellants respectfully requests that the Court grant this motion, strike former counsel's brief, confirm Appellants' pro se brief as the operative brief, grant Appellant leave to appear pro se nunc pro tunc to the date of filing said brief (or alternatively from the date of this order), and adjust the briefing schedule as necessary.

Dated: December 16 , 2025

Respectfully submitted,

/s/ Sandra Holmwood  
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Columbia, SC 29205

A handwritten signature in cursive script that reads "Sandra Holmwood".

/s/ Hugh Price  
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187 Spruce Rd.  
Ward, SC 29166

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Sandra Holmwood and Hugh Price.....Appellants,

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APPELLANTS' MEMORANDUM IN SUPPORT OF  
MOTION TO STRIKE FORMER COUNSEL'S BRIEF

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## INTRODUCTION AND SUMMARY OF ARGUMENT

This memorandum supports Appellants' motion to strike the initial brief filed by former counsel, Rolf Baghdady, after counsel filed a motion to withdraw and informed Appellants that counsel would perform no further work on this appeal. The unauthorized filing creates procedural confusion, potentially prejudices Appellants, and conflicts with fundamental principles governing attorney-client relationships and appellate practice.

Once former counsel filed the motion to withdraw and advised Appellants that counsel would do no further work, counsel's authority to continue substantive representation effectively terminated. Any subsequent filing purporting to represent Appellants' interests without authority is improper and must be stricken. The Court should confirm that Appellants' pro se initial brief is the operative brief for purposes of this appeal.

## STATEMENT OF RELEVANT FACTS

The chronology of events giving rise to this motion is as follows:

1. Appellants and former counsel, Rolf Baghdady, agreed that counsel would withdraw from representing Appellants in this appeal.
2. Former counsel informed Appellants that counsel would perform no further work on this appeal.
3. On November 28, 2025, former counsel filed a motion to withdraw.
4. After filing the motion to withdraw but before the Court ruled on said motion, Appellants filed a pro se initial brief on December 8, 2025.
5. After filing the motion to withdraw, having informed Appellants that no further work would be performed, and after Appellants filed a pro se brief, former counsel filed an initial brief on December 8, 2025.

6. On December 12, 2025, the Court entered an order granting former counsel's motion to withdraw.

Appellants now file contemporaneously: (1) this motion to strike former counsel's brief; (2) a Notice of Pro Se Appearance; and (3) affidavits supporting the factual allegations stated herein.

Appellants seek an order striking former counsel's unauthorized brief and confirming that Appellants' pro se brief is the operative Appellants' brief.

Appellants acted in good faith reliance on former counsel's representation that no further work would be performed, and that counsel was withdrawing.

#### LEGAL STANDARD AND GOVERNING AUTHORITIES

##### A. Rule 240, SCACR: Motion Practice in Appellate Courts

Rule 240(a), SCACR, provides that the rule "governs all motions or petitions filed in the appellate court," including motions for relief related to counsel and briefing. Rule 240(c) requires that motions be in writing and supported by affidavits when facts are outside the Record on Appeal. Rule 240(e) provides that an opposing party has ten days from service to file a return. Rule 240(h) authorizes the Court to decide motions without oral argument. These provisions establish the procedural framework for the instant motion.

##### B. Rule 208, SCACR: Initial Briefs and Briefing Schedule

Rule 208, SCACR, governs the filing and content of initial briefs in appellate proceedings. Rule 208(a)(1) provides that Appellants shall serve and file "his brief" within thirty days after receiving the transcript or, if no transcript is ordered, within thirty days after serving the notice of appeal. Rule 208(a)(2) provides that respondent shall serve and file "his brief" within thirty days after service of "Appellants' brief."

The rule contemplates a single initial brief from Appellants, which triggers the respondent's briefing deadline and establishes the framework for appellate review.

The existence of two purported "initial briefs" from Appellants—one authorized and one unauthorized—creates confusion regarding which brief triggers respondent's obligations and which arguments are properly before the Court.

C. Rules 1.16 and 1.2, RPC (Rule 407, SCACR): Attorney Withdrawal and Client Control

The South Carolina Rules of Professional Conduct, found in Rule 407, SCACR, establish the parameters of attorney-client relationships and the duties of counsel upon termination of representation.

Rule 1.16(c), RPC, requires that "[a] lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation."

Rule 1.16(d), RPC, provides that upon termination of representation, a lawyer must take steps to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any unearned fees. The rule imposes affirmative duties to *protect* the client's interests during the transition—not to continue acting on the client's behalf after agreeing to withdraw and filing a motion to withdraw.

Comment [9] to Rule 1.16 makes clear that even if the lawyer has been unfairly discharged by the client, a lawyer must take all reasonable steps to mitigate the consequences to the client. *In re Anonymous Member of the South Carolina Bar*, 287 S.C. 250, 252, 335 S.E.2d 803, 805 (1985); *In re Tillman*, 319 S.C. 461, 463, 462 S.E.2d 283, 285 (1995). However, those protective steps do not include continuing to

file substantive legal documents after informing the client that no further work will be performed and after filing a motion to withdraw. Once counsel takes these steps, counsel's authority to continue substantive representation ceases.

Rule 1.2(a), RPC, provides that a lawyer shall abide by a client's decisions concerning the objectives of representation and as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. The client—not the attorney—controls the objectives of the representation. When an attorney represents to a client that the attorney will withdraw and will perform no further work, and thereafter files a motion to withdraw, the attorney no longer has authority to make strategic decisions or file documents that bind the client to particular legal arguments.

Here, former counsel informed Appellants that no further work would be performed, filed a motion to withdraw, and then—after Appellants filed a pro se brief in reliance on counsel's representations—filed a conflicting brief. That filing was made without authority and cannot bind Appellants or establish the arguments to be presented on appeal.

## **ARGUMENT**

### **A. Former Counsel Lacked Authority to File a Brief After Agreeing to Withdraw and Filing a Motion to Withdraw**

The fundamental principle governing this motion is straightforward: once former council agreed to withdraw, informed Appellants that no further work would be performed, and filed a motion to withdraw, counsel's authority to continue substantive representation terminated. Any filing made thereafter purporting to represent Appellants' position—particularly after Appellants had already filed a pro se brief—is unauthorized and without legal effect.

In *Ex parte: J.P. Strom, Jr.*, 341 S.C. 63, 533 S.E.2d 242 (2000), the South Carolina Supreme Court emphasized the importance of unequivocal notice regarding attorney-client relationships. The Court held that "[s]trong policy considerations dictate that a client and the court must be unequivocally informed when an attorney intends to withdraw from representing a party, for whatever reason." *Id.* at 68, 533 S.E.2d at 245.

Here, former counsel gave unequivocal notice—both to Appellants and to the Court—of counsel's intent to withdraw. Counsel informed Appellants that no further work would be performed and formalized that intent by filing a motion to withdraw. At that point, counsel's authority to continue representing Appellants in substantive matters ceased. The filing of an initial brief after these actions directly contradicts counsel's own representations and the withdrawal process counsel initiated.

The *Strom* Court relied on *Culbertson v. Clemens*, 322 S.C. 20, 471 S.E.2d 163 (1996), which emphasized the need for strict compliance with formal withdrawal procedures to ensure that courts and parties are unequivocally informed who represents the litigant. 322 S.C. at 24, 471 S.E.2d at 165. These holdings establish that once an attorney takes formal steps to withdraw and represents to the client that the representation has ended, the attorney cannot thereafter continue to file substantive pleadings purporting to bind the client.

The situation is further compounded by the fact that Appellants, in good faith reliance on former counsel's representation that no further work would be performed, filed a pro se initial brief. Former counsel's subsequent filing of a conflicting brief not only

exceeded counsel's authority but also created the exact confusion that the rules and case law seek to prevent.

Rule 1.2(a), RPC, reinforces this principle by establishing that the *client* controls the objectives of representation. When counsel represents that the representation is ending and files a motion to formalize that withdrawal, the attorney no longer has authority to make strategic decisions, advance legal arguments, or file documents binding the client. The client's control over the objectives of representation necessarily includes control over how to proceed with an appeal after counsel has represented that counsel will withdraw and perform no further work.

Former counsel's filing of an initial brief on December 8, after agreeing to withdraw, informing Appellants that no further work would be performed, filing a motion to withdraw, and after Appellants had filed a pro se brief—was unauthorized. That filing cannot establish the arguments to be advanced on Appellants' behalf, cannot trigger respondent's briefing obligations, and cannot serve as the operative brief for purposes of this appeal.

#### B. The Unauthorized Filing Creates Confusion and Prejudices Appellants

The existence of two purported "initial briefs" from Appellants creates significant procedural confusion. Rule 208(a), SCACR, contemplates a single initial brief from Appellants, which serves to: (1) define the issues presented for appellate review; (2) trigger the respondent's thirty-day deadline to file a responsive brief; and (3) establish the factual and legal framework for the appeal.

- 1) When two briefs purport to serve this function, uncertainty arises:
- 2) Which brief triggered respondent's deadline to file a responsive brief?

- 3) Which statement of issues controls for purposes of appellate review?
- 4) Which legal arguments are properly before the Court?
- 5) Does respondent have an obligation to respond to both briefs, and only one?

This confusion is precisely what *Ex parte Strom* and *Culbertson* sought to avoid by requiring strict compliance with withdrawal procedures. As the Court recognized in *Culbertson*, 322 S.C. at 24, 471 S.E.2d at 165, strict adherence to formal withdrawal requirements ensures that all parties—including the court, opposing counsel, and the client—have unequivocal notice of who represents the litigant. This principle applies with equal force in appellate proceedings, where clarity about representation is essential to the orderly administration of justice.

This confusion is not merely procedural—it creates real prejudice to Appellants. If the unauthorized brief is allowed to stand, Appellants faces the risk that arguments contained in former counsel's brief (which may differ from or contradict Appellants' pro se brief) might be deemed binding on Appellants. Conversely, arguments presented in Appellants' authorized brief might be overshadowed or contradicted by the unauthorized filing. Appellants should not be bound by legal arguments advanced by an attorney who had already agreed to withdraw and informed Appellants that no further work would be performed.

#### C. The Court Should Confirm Appellants' Brief as the Operative Brief

To resolve the confusion and protect Appellants' rights, the Court should enter an order:

- 1) Striking former counsel's brief as unauthorized;

- 2) Confirming that Appellants' pro se initial brief, filed on December, 8 2025, is the operative brief for all purposes in this appeal, and
- 3) Adjusting the briefing schedule as necessary to ensure that respondent's deadline to file a responsive brief runs from service of Appellants' pro se brief or from the date of this order, whichever the Court deems appropriate.

This relief is consistent with Rule 208's contemplation of a single initial brief from Appellants and with the fundamental principle that clients—not attorneys who have agreed to withdraw—control the objectives of representation. It also eliminates the procedural confusion that currently exists and ensures that the appellate process moves forward based on the arguments Appellants has chosen to advance.

Appellants acted in good faith throughout this process. When former counsel represented that no further work would be performed and filed a motion to withdraw, Appellants reasonably relied on those representations and filed a pro se brief. Appellants should not be penalized for acting in good faith reliance on former counsel's statements, nor should Appellants be bound by arguments in a brief filed by an attorney who had already initiated the withdrawal process.

Rule 240, SCACR, authorizes the Court to grant this relief through its motion practice procedures. The Court may decide the motion without oral argument under Rule 240(h) and may enter appropriate orders to prevent prejudice to any party and ensure the orderly administration of justice.

## **CONCLUSION**

Former counsel's filing of an initial brief after agreeing to withdraw, informing Appellants that no further work would be performed, filing a motion to withdraw, and after Appellants filed a

pro se brief was unauthorized and creates confusion that prejudices Appellants. The Court should grant this motion, strike the unauthorized brief, confirm that Appellants' pro se brief is the operative brief, grant Appellants leave to appear pro se nunc pro tunc to the date of filing said brief (or alternatively from the date of this order), and adjust the briefing schedule accordingly.

Respectfully submitted

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December 16, 2025

**PROOF OF SERVICE**

I certify that on December 16, 2025, I served a true and correct copy of this Notice **TO STRIKE**  
; on all parties by U.S. Mail addressed as follows:

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