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**Dec 17 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Jessica A. Salvini

APPELLATE CASE NO. 2024-002193

Walter Ruiz and Nidian Ruiz, individually and on behalf of all others similarly situated, Beth Ann Coultrap and Henry Keith Coultrap III, individually and on behalf of all others similarly situated, Marianne Clancy and Michael C. Stinson, individually and on behalf of all others similarly situated, Ahmad P. Moore and Susan M. Moore, individually and on behalf of all others similarly situated, Plaintiffs,

v.

Clayton Properties Group, Inc.d/b/a Mungo Homes Properties, LLC, Defendants,

of which Ahmad P. Moore and Susan M. Moore, individually and on behalf of all others similarly situated are the Appellants and Clayton Properties Group, Inc. d/b/a Mungo Homes Properties, LLC is the Respondent.

**RESPONDENT’S OPPOSITION TO APPELLANTS’  
MOTION FOR EXTENSION OF TIME TO SERVE AND FILE  
THE RECORD ON APPEAL OUTSIDE OF THE FILING DEADLINE**

Clayton Properties Group, Inc. d/b/a Mungo Homes Properties, LLC (“Respondent”), by and through undersigned counsel and pursuant to the Court’s inherent authority<sup>1</sup>, respectfully requests that the Court deny Appellants’ untimely Motion for Extension of Time to Serve and File the Record on Appeal Outside of the Filing Deadline (“Motion”). The basis for Respondent’s

<sup>1</sup> See *S.C. Pub. Int. Found. v. Richland Cnty.*, 436 S.C. 271, 279, 871 S.E.2d 599, 603 (Ct. App. 2021) (“[C]ourts must have the authority to dismiss a case in the event [an appellant] unreasonably neglects to prosecute [an appeal] if courts are to maintain control of their dockets”).

opposition is that, despite multiple warnings from this Court, Appellants continue to treat the Court's deadlines as discretionary.

Since Appellants filed this appeal on December 27, 2024, the Court has sent Appellants *four* overdue letters, the first of which was sent on March 13, 2025 regarding the very transcript<sup>2</sup> Appellants still claim they have not received. A second overdue letter related to the transcript was sent on April 30, 2025. On August 13, 2025, the Court notified Appellants that their initial brief was overdue and warned Appellants that the Court would dismiss this appeal if their initial brief was not filed within ten days of the overdue letter. Appellants submitted their initial brief, along with a motion to file out of time, on the tenth day after receiving the Court's overdue letter.

Most recently, on December 2, 2025, the Court sent another overdue letter to Appellants, which again warned Appellants that the Court would dismiss this appeal if Appellants failed to file the record on appeal within ten days of that letter. *See* Dec. 2, 2025 Ltr. (“Within ten days of the date of this letter, you must file . . . ***or this appeal will be dismissed.***”) (emphasis added). Fourteen days later, Appellants filed their untimely Motion and inexplicably stated that they still have not received the transcript from a hearing that occurred more than a year ago. Even giving Appellants the benefit of the doubt, they have unreasonably neglected to obtain the transcript and pursue this appeal in a timely fashion.

Based on the foregoing, the Court should deny Appellants' Motion and dismiss this appeal.

*[Signature Page Follows]*

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<sup>2</sup> The hearing at issue took place on September 23, 2024—nearly fifteen months ago.

Respectfully submitted,

s/ Konstantine P. Diamaduros

Andrew A. Mathias (SC Bar No. 76220)

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December 17, 2025

Greenville, South Carolina

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v.

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**PROOF OF SERVICE**

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I hereby certify that I have served the *Respondent's Opposition to Appellants' Motion for Extension of Time to Serve and File the Record on Appeal Outside of the Filing Deadline* on Appellants' counsel of record on this the 17<sup>th</sup> day of December, 2025, by electronic AIS e-mail only as follows:

**Appellants' Counsel of Record:**

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Respectfully submitted,

s/ Konstantine P. Diamaduros  
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