

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

**Dec 17 2025**

**SC Court of Appeals**

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

---

Appellate Case No: 2025-002408

---

Debra Nelson, Appellant,

v.

Hunt Law, LLC and  
Bonnie Travaglio Hunt, Esq., Respondents.

---

**RESPONDENTS' RETURN TO APPELLANT'S  
MOTION TO FILE NOTICE OF APPEAL OUT OF TIME**

---

Respondents, by and through their undersigned counsel, submit this Return to Appellant's Motion to file notice of appeal out of time filed December 12, 2025. For the reasons set forth below, the Court should deny Appellant's Motion and dismiss this appeal with prejudice.

**BACKGROUND**

Appellant hired Respondents to represent her in an employment discrimination claim against her former employer. On December 17, 2024, Respondents filed suit for Appellant in the Dorchester County Court of Common Pleas, Nelson v. Curtiss-Wright Corp., et al., C/A: 2024-CP-18-02041. Defendants in that case removed it to the U.S. District Court, Charleston Division, where it remains an active matter (2:25-cv-00405-RMG-MGB). Respondents moved to be relieved as counsel in the federal case, and the Court issued an Order approving the withdrawal on February 20, 2025. Appellant continues to pursue that matter *pro se*.

On May 30, 2025, Appellant, *pro se*, filed the subject matter against Respondents for legal malpractice in the Charleston County Court of Common Pleas (Nelson v. Hunt Law, LLC, et al., C/A: 2025-CP-10-03145). Around the same time, Appellant, *pro se*, filed two other legal malpractice actions in the Charleston County Court of Common Pleas: (1) Nelson v. Adams & Reese Law Firm, et al., C/A: 2025-CP-10-01759; and (2) Nelson v. Kuykendall, et al., C/A: 2025-CP-10-01761.

The undersigned represented the Respondents in the underlying Common Pleas case. Following the dismissal of the case, Appellant filed a Complaint for Restraining Order against the undersigned in Magistrate Court (Nelson v. Countryman; 2025OR1011100036). The basis of the request for a restraining order was the undersigned's service of orders and other material in the State Court case on Appellant. The Magistrate Court denied it via Order issued October 8, 2025.

Appellant then sued the undersigned in the Charleston County Court of Common Pleas to vacate the Magistrate Court's Order for lack of jurisdiction. The basis of that claim is Appellant's belief the presiding judge should have recused herself because the judge's denial of a motion for a continuance indicated bias. That matter is pending as Nelson v. Countryman, C/A: 2025-CP-10-05698. Appellant also attempted to appeal the Magistrate Court Order to this Court (Appellate Case No.: 2025-002409). The undersigned filed a motion to dismiss, for sanctions and a gatekeeper order, which is currently pending in the Court of Common Pleas.

#### **FACTS PERTINENT TO APPELLANT'S MOTION**

Respondents filed a Motion to Dismiss the underlying Common Pleas lawsuit on June 25, 2025. Judge Jennifer B. McCoy heard the Motion on July 31, 2025, and issued a form Order of dismissal followed by a formal Order on August 7, 2025. Appellant filed a Rule 59(e), SCRCF motion on August 8, 2025. Judge McCoy issued an Order denying it on September 10, 2025 – this is the appealed Order. Appellant admits she received written notice of that Order on September 15, 2025.

On November 25, 2025, Appellant submitted her appeal to this Court. The Court of Appeals then sent Appellant a deficiency letter noting she failed to timely file the appeal. Appellant subsequently filed the subject Motion to file this appeal out of time, which the undersigned received December 17, 2025. Appellant moves under Rule 263(b), SCACR and Rule 6(b), SCRCP.

### ARGUMENT

“A party intending to appeal must serve and file a notice of appeal and otherwise comply with these Rules. Service and filing are defined by Rule 262.” Rule 203(a), SCACR. Filing is defined as delivering the document to the clerk of the appellate court. Rule 262(a), SCRACR. “[A] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order of judgment.” Rule 203(b), SCACR.

Rule 263(b), SCACR states, [T]he time prescribed in these Rules for performing any act *except the time for serving the notice of appeal under rules 203 and 243* may be extended or shortened by the appellate court, or by any judge or justice thereof (emphasis added). Under the plain language of the Rule, this Court may not extend the time to serve the notice of appeal.

Case law confirms this. South Carolina recognizes the general rule that an appellate body may not extend the time to appeal. Allison v. W.L. Gore & Assoc., 394 S.C. 185, 714 S.E.2d 547 (2011). “The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.” Elam v. S.C. Dept. of Trans., 361 S.C. 9, 14 -15, 602 S.E.2d 772, 775 (2004), *citing* Mears v. Mears, 287 S.C. 168, 337 S.E.2d. 206 (1985). Service of the notice of intent to appeal is a jurisdictional requirement, and the appellate court has no authority to extend or expand the time in which the notice of intent to appeal must be served. Mears v. Mears, *supra*, *citing* Stroup v. Duke Power Co., 216 S.C. 79, 56 S.E.2d 745 (1949); Wade v. Gore, 154 S.C. 262, 151 S.E. 470 (1930); Renneker v. Warren, 20 S.C. 581 (1884).

Appellant admits in her appeal is out of time. Motion to Appeal Out of Time, para. 3. Appellant's citation to Rule 263(b) is misplaced and provides no basis for relief. Under Rule 263(b) and the case law interpreting it, this timely submission of an appeal is jurisdiction, and this Court lacks the authority to extend the filing deadline.

Appellant also invokes Rule 6(b), SCRCR which allows trial courts to extend certain deadlines in civil actions for good cause. However, the South Carolina Rules of Civil Procedure govern proceedings in the circuit court, not appellate courts. *See* Rules 1 and 81, SCRCR. Upon service of the notice of appeal, the appellate court has exclusive jurisdiction over the appeal. Rule 205, SCACR. Therefore, Rule 6(b), SCRCR does not apply. The South Carolina Appellate Court Rules do, and they specifically preclude the late filing of Appellant's appeal.

Appellant asserts she "acted in good faith and without undue delay," and that no prejudice will result to Respondents if the Court grants her Motion. These factors are irrelevant where the defect is jurisdictional. *See Elam supra* and Rule 263(b), SCACR. Nonetheless, permitting this late appeal would prejudice the Respondents by reviving a dismissed case without legal basis and forcing further unnecessary expenditure of time and resources.

Appellant's reference to "active litigation in related matters" does not justify the late submission of her appeal. If anything, this cuts against any argument for an extension. Her extensive pro se filings across multiple courts (state, federal, appellate) demonstrate familiarity with procedures, belying any claim of jurisdictional confusion. Neither is Appellant's status as a *pro se* litigant an acceptable excuse, as the court will not hold a layman to any lesser standard than is applied to a lawyer. Goodson v. Am. Bankers Ins. Co. of Fla., 295 S.C. 400, 368 S.E.2d 687 (Ct. App. 1988).

**CONCLUSION**

Respondents respectfully request this Court deny Appellant's Motion to file this appeal out of time and dismiss the appeal with prejudice.

Respectfully submitted,



---

Andrew W. Countryman  
State Bar No. 72700  
COUNTRYMAN LAW FIRM  
210 Wingo Way, Ste. 400  
Mt. Pleasant, SC 29464  
843-253-4477  
[awc@countrymanlawfirm.com](mailto:awc@countrymanlawfirm.com)  
**Counsel for the Respondents**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

---

Appellate Case No: 2025-002408

---

**RECEIVED**

**Dec 17 2025**

**SC Court of Appeals**

Debra Nelson, Appellant,

v.

Hunt Law, LLC and  
Bonnie Travaglio Hunt, Esq., Respondents.

---

**PROOF OF SERVICE**

---

I certify this day, December 17, 2025, I served Respondents' Return to Appellant's Motion to File Notice of Appeal Out of Time on Appellant, *pro se*, by depositing a copy in the United States Mail, postage prepaid addressed as follows:

Debra Nelson  
2718 Crestline Dr.  
N. Charleston, SC 29405  
**Appellant, *pro se***



---

Andrew W. Countryman  
State Bar No. 72700  
COUNTRYMAN LAW FIRM  
210 Wingo Way, Ste. 400  
Mt. Pleasant, SC 29464  
843-253-4477  
[awc@countrymanlawfirm.com](mailto:awc@countrymanlawfirm.com)  
**Counsel for the Respondents**