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**Dec 18 2025**

**SC Court of Appeals**

**IN THE STATE OF SOUTH CAROLINA**

**In the Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY**

**COURT OF COMMON PLEAS**

**Judge G. D. Morgan**

**Case No. 2024-CP-23-00312**

**Appellate Case No.: 2024-000731**

Christopher Jones,

Appellant,

v.

D&B Real Estate Ventures, LLC;

Darius Jones; Bradley Robinson,

Respondents.

**APPELLANT'S RESPONSE IN OPPOSITION TO  
RESPONDENTS' MOTION FOR DISMISSAL**

Appellant Christopher Jones ("Appellant"), appearing pro se, respectfully submits this Response in Opposition to Respondents' Motion for Dismissal filed December 1, 2025, and in support thereof states as follows:

**I. INTRODUCTION**

Respondents seek dismissal of this appeal based on Appellant's alleged failure to timely cure deficiencies in the Record on Appeal. However, Respondents' motion is premature, factually inaccurate, and ignores both Appellant's extraordinary diligence in prosecuting this appeal—including filing his comprehensive 31-page Final Brief in August 2025—and the pending Motion for Extension of Time filed November 26, 2025.

Most tellingly, Respondents filed their Motion to Dismiss on December 1, 2025, three days before their own Court-ordered brief deadline of December 4, 2025, which they have now missed by 14 days without explanation or request for extension. This breathtaking hypocrisy—seeking dismissal for technical Record deficiencies while failing to file their own substantive brief—exposes the bad faith nature of their motion.

Dismissal would constitute a drastic and unjust sanction that would deprive Appellant of his appellate rights based solely on technical procedural deficiencies that can be readily cured, while rewarding Respondents for far more egregious non-compliance.

## II. STATEMENT OF FACTS

1. Appellant timely filed a Notice of Appeal and has been extraordinarily diligent in prosecuting this appeal while proceeding pro se without benefit of legal counsel.

2. CRITICALLY: On August 19, 2025, Appellant filed his comprehensive Final Brief of 31 pages, received by the Court on August 21, 2025. This substantive brief addresses all issues on appeal including:

- (a) whether the court erred in applying Section 40-11-370(C) to a real estate purchase contract;
- (b) whether the court erred in granting summary judgment on claims not defended by Respondents;
- (c) whether D&B Real Investments LLC is erroneously listed as owner of property; and
- (d) whether the court erred in consideration of the defective affidavit.

3. Appellant filed his Final Brief nearly four months before Respondents filed their Motion to Dismiss and over three months before Respondents' brief was due, demonstrating extraordinary diligence and commitment to the merits of this appeal.

4. On September 4, 2025, the Clerk issued a deficiency letter identifying defects in the Record on Appeal, granting Appellant ten (10) days to cure the deficiency.
5. Appellant was subsequently granted extensions of time and the deadline to cure deficiencies was extended to November 20, 2025.
6. On October 31, 2025, Respondents filed a Motion Requesting Additional Time to File Final Brief, arguing that the Record deficiencies made "it impossible for Respondents to properly support their factual statements by referencing the appropriate page in the Record."
7. On November 10, 2025, this Court granted Respondents' motion and issued an Order extending the time for serving and filing Respondents' final brief until December 4, 2025.
8. Also on November 10, 2025, the Court issued a second deficiency letter to Appellant identifying additional technical deficiencies requiring correction, including: (a) proof of service not in compliance with SCACR Form 7; (b) lack of proper index; (c) improper pagination; (d) cover page defects; and (e) the need for a motion to amend the brief filed October 15, 2025.
9. Appellant received the November 10, 2025 letter on or about November 14, 2025, providing only approximately six (6) days to complete substantial technical corrections.
10. On November 26, 2025, six days before Respondents filed their Motion to Dismiss, Appellant filed a Motion for Extension of Time to Correct Deficiencies, setting forth good cause and demonstrating his commitment to full compliance with all Court requirements.
11. Respondents' December 1, 2025 Motion for Dismissal was filed while Appellant's Motion for Extension of Time remains pending before this Court AND was filed three days before Respondents' own brief was due.

12. As of today, December 18, 2025—fourteen (14) days past their Court-ordered deadline—Respondents have not filed their final brief, have not filed any motion seeking a further extension, and have provided no explanation for their non-compliance.

13. Appellant reasonably believed that all matters were being held in abeyance pending resolution of the Record on Appeal deficiencies, based on: (a) the Court's deficiency letters; (b) his pending Motion for Extension of Time; (c) Respondents' own representations that the deficiencies made briefing "impossible"; and (d) the logical impossibility of proceeding when the foundational Record remained deficient.

14. Appellant has been simultaneously managing multiple complex legal matters, including the Metro Center Revitalization Project in Jackson, Mississippi ongoing federal litigation, and other legal obligations, all while proceeding pro se in this appeal.

### III. ARGUMENT

#### A. RESPONDENTS' MOTION IS PREMATURE BECAUSE APPELLANT'S MOTION FOR EXTENSION OF TIME REMAINS PENDING

Respondents' Motion for Dismissal is procedurally premature. At the time Respondents filed their motion on December 1, 2025, Appellant's Motion for Extension of Time filed November 26, 2025 was pending before this Court and has not been ruled upon. Respondents cannot seek dismissal for failure to meet a deadline when a motion seeking relief from that deadline is pending.

The South Carolina Court of Appeals has discretion to grant extensions of time for good cause shown. See Rule 246, SCACR. Respondents' rush to seek dismissal before this Court has ruled on Appellant's pending motion demonstrates unseemly haste to terminate this appeal on purely technical grounds rather than on the merits.

B. APPELLANT HAS ALREADY FILED HIS COMPREHENSIVE FINAL BRIEF  
DEMONSTRATING EXTRAORDINARY DILIGENCE

The single most important fact that obliterates Respondents' characterization of Appellant's conduct is this: Appellant filed his comprehensive 31-page Final Brief on August 19, 2025 (received August 21, 2025), addressing all substantive issues on appeal with detailed legal argument and citation to authority.

This filing occurred:

- Nearly four months before Respondents filed their Motion to Dismiss;
- Over three months before Respondents' brief was due (December 4, 2025);
- While Appellant was simultaneously working to correct technical Record deficiencies;
- While Appellant was managing complex legal and business matters across multiple jurisdictions;
- Despite Appellant proceeding entirely pro se without legal counsel.

Respondents' characterization of Appellant's conduct as demonstrating "a pattern of disregard for the Court's rules and deadlines" is not only false but is contradicted by the Record. Appellant has filed the single most important document in this appeal—his substantive brief on the merits—months ahead of schedule and with comprehensive legal argument.

If Appellant truly disregarded Court rules or lacked commitment to this appeal, he would not have invested the substantial time and effort required to research, write, and file a 31-page appellate brief addressing complex legal issues including statutory interpretation, summary judgment standards, quantum meruit, unjust enrichment, contract validity, and affidavit requirements.

The fact that Appellant completed and filed his Final Brief while still working to correct Record deficiencies demonstrates exceptional diligence, not dilatory conduct.

### C. RESPONDENTS' EXTRAORDINARY HYPOCRISY UNDERMINES THEIR MOTION

#### 1. Respondents Obtained a 30-Day Extension Based on the Same Deficiencies They Now Claim Warrant Dismissal

On October 31, 2025, Respondents filed a Motion Requesting Additional Time to File Final Brief, arguing that "multiple matters from Respondents' Designation of Matter being omitted from the Record on Appeal" and "Appellant's Record on Appeal also lacks page numbers" made "it impossible for Respondents to properly support their factual statements by referencing the appropriate page in the Record."

This Court granted Respondents' motion on November 10, 2025, extending their deadline to December 4, 2025.

Respondents thus obtained a 30-day extension based on the very Record deficiencies they now argue warrant dismissal of Appellant's appeal. This position is logically incoherent and procedurally improper. If the deficiencies justified a 30-day extension for Respondents to prepare their brief, those same deficiencies certainly justify additional time for Appellant—proceeding pro se—to correct the technical formatting issues.

#### 2. Respondents Have Missed Their Own Court-Ordered Deadline by Two Weeks

As of today, December 18, 2025—fourteen (14) days past their Court-ordered deadline of December 4, 2025—Respondents have:

- NOT filed their final brief
- NOT filed any motion seeking a further extension
- NOT provided any explanation for their non-compliance

- NOT sought any relief from this Court

Yet on December 1, 2025, three days before their own deadline expired, Respondents rushed to file a Motion to Dismiss seeking the harshest possible sanction—dismissal with prejudice—against Appellant for technical Record deficiencies.

If the standard Respondents advocate were applied to their own conduct, their response brief would be stricken and they would be barred from further participation in this appeal under Rule 260(a), SCACR.

### 3. Respondents' Conduct Demonstrates Bad Faith

The timeline reveals Respondents' bad faith strategy:

- October 31, 2025: Respondents obtain extension based on Record deficiencies
- November 10, 2025: Court grants extension to December 4, 2025
- November 26, 2025: Appellant files Motion for Extension of Time
- December 1, 2025: Respondents file Motion to Dismiss (3 days before their own deadline)
- December 4, 2025: Respondents' brief due (not filed)
- December 18, 2025: Respondents now 14 days past their deadline

Respondents filed their Motion to Dismiss before their own brief was due, apparently hoping to terminate the appeal before their own non-compliance became apparent. This tactical maneuver demonstrates that their motion is not about protecting the integrity of the appellate process but about avoiding a decision on the merits.

### 4. Respondents' Argument About Record Deficiencies is Self-Contradicting

Respondents argued the Record deficiencies made it "impossible" for them to file their brief, yet:

- They were able to prepare and file a detailed Motion to Dismiss requiring knowledge of the procedural history, applicable rules, and factual record;

- They were able to identify specific dates, deadlines, and alleged failures;
- They were able to research and cite applicable authority;
- They demonstrated complete understanding of the case and appeal.

If the Record deficiencies were so severe as to make briefing "impossible" and warrant dismissal, Respondents would not have been able to prepare their Motion to Dismiss. Their ability to file a comprehensive motion undermines their argument that the deficiencies are fatal to the appeal.

#### D. GOOD CAUSE EXISTS FOR GRANTING AN EXTENSION OF TIME

##### 1. Pro Se Status and Technical Complexity

Appellant is proceeding pro se without the benefit of legal counsel. The technical requirements of the SCACR governing the Record on Appeal—including proper indexing, consecutive pagination, cover formatting per Rule 267(a), and compliance with specific proof of service forms—present substantial challenges for a pro se litigant unfamiliar with the intricacies of appellate practice.

The deficiencies identified by the Court are entirely technical in nature. They do not relate to the substantive adequacy of the documents included in the Record or to Appellant's brief on the merits. Rather, they involve formatting and organizational requirements that, while important for orderly appellate practice, can be readily cured.

South Carolina courts have repeatedly recognized that pro se litigants should be afforded reasonable latitude with respect to technical procedural requirements, particularly where the litigant demonstrates good faith efforts to comply. See *Dawkins v. Dawkins*, 386 S.C. 169, 687 S.E.2d 52 (Ct. App. 2009).

## 2. Insufficient Time to Complete Complex Technical Corrections

Appellant received the November 10, 2025 deficiency letter on or about November 14, 2025. This left only six (6) days to complete substantial technical corrections requiring research of applicable rules, study of required forms, creation of comprehensive index, repagination of entire Record, reformatting of cover page, and preparation of compliant proof of service.

For a pro se litigant managing complex legal and business matters across multiple jurisdictions, six days was manifestly inadequate. Rather than rush to submit potentially deficient corrections, Appellant prudently sought additional time to ensure full compliance.

## 3. Appellant's Reasonable Belief That Matters Were Held in Abeyance

Appellant did not willfully disregard Court directives. Rather, Appellant reasonably believed that all deadlines were held in abeyance pending resolution of the Record deficiencies. This belief was based on:

- a. The Court's November 10, 2025 deficiency letter stating "this is our second request" and indicating urgency of corrections;
- b. Appellant's timely filing of Motion for Extension of Time on November 26, 2025;
- c. Respondents' own October 31, 2025 representation that Record deficiencies made briefing "impossible," suggesting all matters dependent on corrections;
- d. The Court's November 10, 2025 Order granting Respondents extension to December 4, 2025, which Appellant understood to reflect Court's recognition that briefing could not proceed until deficiencies resolved;
- e. The logical impossibility of proceeding with responses to motions when foundational Record remained deficient and subject to correction.

Appellant's belief was not only reasonable but was supported by Respondents' own representations. If Respondents could not proceed until the Record was corrected, Appellant reasonably concluded that response deadlines were likewise held pending those corrections.

#### 4. Appellant Has Completed All Corrections

Appellant has now completed all corrections required by the Court's deficiency letters. The corrected Record on Appeal is ready for filing and includes all required elements: proper index, consecutive pagination, compliant cover page, proper proof of service, and all documents properly organized.

#### 5. No Prejudice to Respondents

Granting an extension will not prejudice Respondents. The corrections relate solely to technical formatting, not substantive changes. Once the corrected Record is filed, Respondents will have their full time under Rule 210(c), SCACR to prepare their response.

Moreover, any claim of prejudice rings hollow given that Respondents: (a) obtained their own 30-day extension based on these deficiencies; (b) have missed their December 4, 2025 deadline by 14 days; and (c) have not filed their brief or sought further extension.

### E. DISMISSAL WOULD BE AN UNDULY HARSH SANCTION

#### 1. Dismissal Is Not Mandatory

While Rule 260(a), SCACR provides that the clerk "shall issue an order of dismissal" when an appellant fails to comply with the Rules, this Court retains discretion to grant relief, particularly where good cause exists and the appellant has demonstrated diligent efforts to comply.

The South Carolina Supreme Court has emphasized that dismissal is a drastic remedy that should be employed only when less severe sanctions would be inadequate. See *Regions Bank v. Wingard Props., LLC*, 415 S.C. 435, 783 S.E.2d 17 (2016).

## 2. Appellant Has Not Demonstrated Willful Disregard

Respondents' characterization of Appellant's conduct as "a pattern of disregard" is both unfair and contradicted by the Record:

- Appellant filed his comprehensive Final Brief in August 2025
- Appellant timely sought extension when needed
- Appellant has completed all required corrections
- Appellant has actively engaged with the appellate process throughout

The need for extensions to correct technical formatting requirements does not evidence willful disregard, particularly for a pro se litigant managing complex matters across multiple jurisdictions.

## 3. The Merits Deserve Consideration

This appeal raises important issues regarding contract law, quantum meruit, unjust enrichment, and statutory interpretation. Dismissing the appeal on purely technical procedural grounds would deprive Appellant of appellate review without consideration of substantive issues.

South Carolina courts strongly prefer deciding cases on their merits rather than on procedural technicalities where defects can be cured and do not prejudice the opposing party. See *McNair v. Rainsford*, 330 S.C. 332, 499 S.E.2d 488 (Ct. App. 1998).

## IV. CONCLUSION

The central irony cannot be overstated: Respondents seek dismissal for missed deadlines while they themselves have missed their Court-ordered December 4, 2025 deadline by two weeks. They obtained a 30-day extension based on the Record deficiencies they now claim warrant dismissal. They filed their Motion to Dismiss three days before their own deadline, apparently hoping to terminate the appeal before their non-compliance became obvious.

Meanwhile, Appellant—proceeding pro se and managing complex legal and business matters across multiple jurisdictions—filed his comprehensive 31-page Final Brief in August 2025, months before Respondents' brief was due. Appellant timely sought extensions when needed, completed all required corrections, and consistently demonstrated good faith and diligence. If Respondents' standard were applied to their own conduct, their brief would be stricken. The Court should not countenance this double standard.

For the foregoing reasons, Appellant respectfully requests that this Honorable Court:

- A. Deny Respondents' Motion for Dismissal;
- B. Appellant thanks The Court For Granting Appellant Extension of Time (January 6, 2026)
- C. Allowing Appellant reasonable time to file the corrected Record on Appeal;
- D. Direct Respondents to file their overdue brief or show cause why their response should not be stricken for failure to comply with this Court's November 10, 2025 Order;
- E. In the alternative, if the Court is inclined to impose sanctions, impose a sanction less severe than dismissal; and
- F. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 17<sup>th</sup> day of December, 2025.

s/ Christopher Jones  
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**Dec 18 2025**

**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of December, 2025, I served a copy of the foregoing Response in Opposition to Respondents' Motion for Dismissal upon Respondents' counsel by depositing the same in the United States Mail, postage prepaid, and by email, addressed as follows:

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Counsel for Respondents

I further certify that I served a copy upon the South Carolina Court of Appeals by email, addressed as follows:

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
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Respectfully

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