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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable James E. Chellis, Master-in-Equity

Appellate Case No. 2025-001632

Cornerstone Ventures International, LLC

Respondent,

v.

Alvin E. Burch, Sr.

Appellant.

**RETURN IN OPPOSITION TO RESPONDENT’S SECOND MOTION
FOR EXTENSION OF TIME.**

Appellant Alvin E. Burch, Sr., pro se, files this Return pursuant to Rule 240(e), SCACR, opposing Respondent’s December 31, 2025 “Motion for Extension” seeking another thirty (30) days to file its initial brief and designation of matter.

PROCEDURAL HISTORY

1. On December 2, 2025, Respondent moved for a 30–day extension “due to the schedule of counsel.”
2. The Court granted that request and extended Respondent’s deadline for its initial brief and designation of matter to January 6, 2026.
3. On December 31, 2025, Respondent filed a second motion asking for “one additional extension of 30 (thirty) days,” again citing counsel’s schedule and asserting that

Appellant’s designation omitted “hearing transcripts from previous hearings...ordered but not received.”

4. Respondent’s proof of service states the second motion was served December 31, 2025.

ARGUMENT

I. The second extension motion fails to comply with Rule 240(c) and should be denied.

Rule 240(c) requires every motion to include (1) proof of service, (2) a memorandum with citation of authorities, and (3) affidavits/other documents when the facts relied upon are not contained in the Record on Appeal or Appendix.

Respondent’s second motion offers a bare assertion that transcripts from “previous hearings” were “ordered but not received,” but it provides no affidavit (no transcript order date, no reporter identification, no hearing dates, no delivery estimate, no extension notices, no documentation).

That asserted “need” is a factual claim outside the record and must be supported under Rule 240(c)(3). Respondent also provides no real “memorandum with citation of authorities” supporting the requested relief. This noncompliance alone warrants denial.

II. The stated ground is legally insufficient: Respondent—not Appellant—controls what it designates, and it can file its brief without “prior hearing” transcripts.

Rule 209(a) provides that at the same time a party serves its initial brief under Rule 208, it must also serve a Designation of Matter specifying the transcript portions, pleadings, orders, exhibits, or other materials it proposes to include in the Record on Appeal. Respondent cannot justify delay by criticizing Appellant's designation; if Respondent believes some transcript portion is necessary, Respondent must designate it with its own brief.

If Respondent later claims additional materials are needed in the Record on Appeal, the Rules provide a procedure: Rule 212(b) requires a party seeking to supplement the record (without consent) to move the appellate court for leave. Respondent did not do that; instead it seeks a blanket 30-day extension based on an unspecified transcript issue.

III. The asserted "prior hearings" rationale conflicts with the limited scope of the Record on Appeal and the actual posture of this appeal.

Rule 210(c) is explicit: "*The Record shall not...include matter which was not presented to the lower court or tribunal.*" Respondent does not identify any "previous hearings," does not identify whether those transcripts were presented to or considered by the Master-in-Equity in denying Rule 60(b)(4) relief, and does not explain why they would be proper appellate record material.

This appeal arises from the denial of Appellant's Rule 60(b)(4) motion. The Record on Appeal Index already includes the Transcript of the 60(b)(4) Motion Hearing (R. pp. 75-184)—the hearing directly at issue.

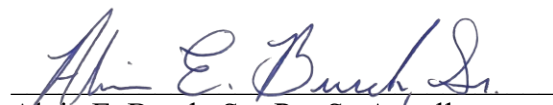
Given the posture and the designated record, Respondent has not shown why it cannot file a respondent's brief addressing the legal issues raised (voidness/jurisdiction/due process) based on the existing record and transcript of the 60(b)(4) hearing.

IV. This is an additional extension request after a full 30-day extension already granted. Respondent has not made a specific, supported showing of good cause; instead, the motion relies on vague claims that effectively postpone the briefing schedule. The second request repeats "schedule of counsel" and adds a vague transcript assertion without the required Rule 240 support.

CONCLUSION / PRAYER FOR RELIEF

For the foregoing reasons, Appellant respectfully requests that the Court DENY Respondent's Second Motion for Extension of Time filed December 31, 2025.

Respectfully submitted this 2nd day of January, 2026.



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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on January 2, 2026, I served a copy of the foregoing Return in Opposition to Respondent's Second Motion for Extension of Time by email upon counsel for the party of record, as follows:

Lawrence M. Hershon, Esq.
The Hershon Law Firm, P.A.
lawrence@hershonlawfirm.com

Respectfully,



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