

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas  
Donald B. Hocker, Circuit Court Judge

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Appellate Case No. 2024-002049  
Civil Action Nos. 2020-CP-36-00382 & 00384

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**RECEIVED**  
**Jan 08 2026**  
SC Court of Appeals

Jefferson Davis, Jr. .... Appellant,

v.

Chad Connelly, Dave Wilson, Stephen Kirkland, Tom Persons, Neil Mellen, E3  
Software, LLC, Endurance International Holdings, Inc., John Doe #1, John Doe  
#2 & John Does 3-40 ..... Respondents.

AND

Jefferson Davis, Jr. .... Appellant,

v.

Chad Connelly, Tom Persons, Geoffrey Chambers, Esq., and South Carolina  
Educational Credit for Exceptional Needs Children Fund ..... Respondents.

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**RESPONDENTS CHAD CONNELLY, DAVE WILSON,  
TOM PERSONS, AND NEIL MELLEN’S RETURN TO  
APPELLANT’S MOTION FOR CLARIFICATION OF JURISDICTION**

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Respondents Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen (“Respondents”) hereby respond to Appellant’s Motion for Clarification of Jurisdiction filed on December 29, 2025 (“Motion for Clarification”) in which Appellant requests an Order divesting the trial court of jurisdiction to dispose of Appellant’s Emergency Writ of Supersedeas filed on

December 19, 2024, and request that this Court deny the Motion for Clarification. In the alternative, Respondents request that this Court deny Appellant's Emergency Writ of Supersedeas, dismiss the appeal, and affirm the trial court's Orders of Civil Contempt filed on November 25, 2024.

### Argument

In the Motion for Clarification, Appellant requests that this Court divest the trial court of jurisdiction to dispose of Appellant's petition for writ of supersedeas. As Appellant notes in the Motion for Clarification, this Court temporarily stayed the Orders of Civil Contempt and remanded Appellant's petition for supersedeas to the trial court for disposition in accordance with Rule 241(d)(1), SCACR. (Mot. Clarification, ¶¶ 5, 7; Ct. App. Or., Dec. 20, 2024; *see also* Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedeas as provided by Rule 241. Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal.")). The trial court has not yet disposed of Appellant's petition for writ of supersedeas and, therefore, retains jurisdiction to dispose of the writ as well as matters not affected by the appeal. Rule 205, SCACR.

The trial court, however, has determined that Appellant has not produced evidence addressing his inability to pay the contempt fees and costs. (Hocker Or., May 29, 2025, pp. 2-3, 4, Exhibit A; *see also Midlands Util., Inc. v. S.C. Dep't of Health & Env'tl. Control*, 287 S.C. 483, 486, 339 S.E.2d 862, 864 (1986) ("In order to warrant a stay, the appealing party must convince the trial judge the stay is warranted and the burden of proof rests upon the party seeking the stay.")). Accordingly, unless this Court denies Appellant's petition, the trial court should retain its jurisdiction to dispose of Appellant's petition for supersedeas in accordance with Rule 241(d)(1), SCACR.

Appellant has twice failed to file and serve his initial brief within the time prescribed by this Court and otherwise failed to comply with the South Carolina Appellate Court Rules. On June

13, 2025, the Court of Appeals informed the parties that the appeal is no longer held in abeyance. Accordingly, on July 1, 2025, the Court of Appeals instructed Appellant that the time for serving and filing his initial brief and designation of matter would expire on July 31, 2025. Appellant then filed a Motion for Extension of Time to File and Serve Initial Brief and Designation of Matter until November 17, 2025. On November 26, 2025, the Court of Appeals granted Appellant's motion for extension of time and instructed Appellant to file and serve the initial brief and designation of matter within ten (10) days of the order. As a result, Appellant's initial brief and designation of matter to be included in the record on appeal were due on December 8, 2025.

Although Appellant filed a Second Motion for Extension of Time to File and Serve Initial Brief and Designation of Matter on December 8, 2025, Appellant did not timely file an initial brief or designation of matter to be included in the record on appeal.<sup>1</sup> Motions for extensions of time, like petitions for supersedeas, do not stay the time limits imposed by the South Carolina Appellate Court Rules. *Compare* Rule 240(a), SCACR, *with* Rule 240(b), SCACR. As a result, this Court must dismiss the appeal. Rule 208, SCACR. (“Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court *shall* sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260.”) (emphasis added); *see also* Rule 203, SCACR; *Toomer v. Toomer*, 244 S.C. 399, 403, 137 S.E.2d 406, 408 (1964) (“The right of appeal is a matter of grace and is not an inherent or vested right, and the rules of court and statutes must be followed in perfecting an appeal.”). This Court should do so and affirm the trial court's Orders of Civil Contempt filed on November 25, 2024.

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<sup>1</sup> As of the date of this return, Appellant has not yet filed an initial brief despite enjoying a continued stay of the underlying judgment and protracting the process of the appeal without posting a bond.

Respectfully submitted,

*s/Justin P. Novak*

M. Dawes Cooke, Jr., Esquire

Justin P. Novak, Esquire

Barnwell Whaley Patterson & Helms, LLC

P.O. Drawer H

Charleston, South Carolina 29402

Phone: (843) 577-7700

Fax: (843) 577-7708

[mdc@barnwell-whaley.com](mailto:mdc@barnwell-whaley.com)

[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)

***Attorneys for Respondents Chad Connelly,  
Dave Wilson, Tom Persons, and Neil Mellen***

January 8, 2026

STATE OF SOUTH CAROLINA    )  
   )  
 COUNTY OF NEWBERRY        )

IN THE COURT OF COMMON PLEAS

JEFFERSON DAVIS, JR.        )  
   )  
           Plaintiff/Appellant    )  
   )  
           vs,                        )  
   )  
 CHAD CONNELLY, et.al.        )  
   )  
           Defendants/Respondents)  
 \_\_\_\_\_)

ORDER  
 2020-CP-36-00382 and 384  
 Appellate Case No.20240002049

This Order is being issued without a hearing and is the third Order issued by this Court since The South Carolina Court of Appeals (COA) issued its Order on December 20, 2024.

An overview of what has transpired will be set out, beginning with the Contempt Order issued by this Court on November 25, 2024, in order to keep matters in perspective.

This Court held the Plaintiff in contempt of Court on November 25, 2024 and ordered him to pay fees and costs. Subsequent thereto, the Plaintiff filed an

appeal of this Contempt Order to the COA. Evidently realizing later that the appeal did not automatically stay the contempt finding, the Plaintiff filed a Writ of Supersedeas with the COA seeking a stay of the enforcement of the contempt.

By Order of the COA on December 20, 2024, a temporary stay was ordered with a remand to the lower court for an expedited hearing on the request to the lifting the automatic stay or granting supersedeas. This Order contained other applicable provisions.

It is the position of the Plaintiff that due to his medical condition that he is unable to pay the contempt fees and costs and he wants the contempt dismissed.

Subsequent to the above, the Defendants filed a joint Motion for discovery of records from the Plaintiff concerning medical, financial, tax and asset records. The first expedited hearing was held on January 8, 2025 by this Court. An Order was issued on January 23, 2025 ordering, in part, medical records and information of the Plaintiff specifically addressing the issue of the Plaintiff's inability to pay the contempt fees and costs. This information was to come from the Plaintiff's doctors, hospitals, etc.

In accordance with the above, voluminous medical records were provided by the Plaintiff to the Court and Defendants' counsel several times. These records

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did not address however, from a medical standpoint, the issue of the Plaintiff's inability to pay the contempt fees and costs. What the records did show was that the Plaintiff was [REDACTED] in 2024 (possibility before then), [REDACTED]. More recent records indicate a [REDACTED] in the future.

Consequently, this Court issued an Order on May 1, 2025 requiring the Plaintiff to provide information directly from his treating doctors indicating a timeframe for the completion of [REDACTED]. This information was provided by the Plaintiff in compliance with the Court's Order. A summary of the four letters from the Plaintiff's doctors is as follows:

1. [REDACTED] (April, May, June 2025) and [REDACTED]. He will be able to reengage in most activities by October 1, 2025. This doctor notes no work during this period of time. (Note: This is the first medical record provided related to the issue of activities, work and/or otherwise);
2. [REDACTED] to be completed November 2025. Currently unable to work because of [REDACTED]. She indicates full recovery by New Year. (Note: Second medical record as above);

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3. [REDACTED] letter. Reengage by September 15, 2025;

4. [REDACTED]. Reengage by September 15, 2025.

The Court will make some observations and the plans to move forward notwithstanding Plaintiff's repeated requests to dismiss this entire matter against him:

1. Notwithstanding the fact that the Plaintiff has accused the Court (See below Note) of doubting the existence of Plaintiff's [REDACTED] which the Court never has, it is clear that he [REDACTED] and has undergone and continues to undergo treatment of various kinds;

2. The existence of [REDACTED] however serious it may be, does not "in and of itself" automatically determine that the Plaintiff is unable, financially and otherwise, to pay the contempt fees and costs. The Plaintiff has simply wanted this Court and the Defendants to blindly accept, without inquiring, investigation, or questioning, his assertion that he is unable to pay the contempt fees and costs because of medical reasons.

3. This Court takes extremely seriously the issue of contempt

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10/20/24

as it relates to both sides and wants to be as methodical as possible so that the ultimate decision will be a correct and fair one.

4. Everyone, including this Court and the COA, thought that an expedited hearing would be sufficient to decide the issue of a automatic stay/supersedeas and for the Court of Appeals to resume control of this case. This Court has determined that more time is needed and it is hoped that the Court of Appeals will be agreement.

5. That based upon the above doctors' reports with respect to resumption of activities, two say September 25<sup>th</sup>, one says October 1 and one says by the first of the new year.

6. That the temporary stay will remain in effect until the next hearing to be scheduled sometime in November 2025. At the hearing the Court will allow the Defendant's to renew their Motion for records and will determine whether to continue the temporary stay/lift the automatic stay or grant supersedeas. The Court will be in touch with the parties concerning scheduling of this hearing. While the Court prefers an in-person hearing, it will certainly entertain a request for a virtual hearing.

Handwritten signature and initials, possibly reading "#5 TOMA".

7. Once again, this Court recognizes that both sides eagerly desire a Final ruling in this case.

Accordingly, the above is hereby ordered:

So Ordered.



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DONALD B. HOCKER  
CIRCUIT COURT JUDGE

Laurens, South Carolina  
Date: 5-29-25

Note: At the contempt hearing in October 2024, the Plaintiff, in a sworn Affidavit of May 16, 2025, quotes from the Transcript of what the Court said: "But bold (sworn) statements that you had health issues and therefore can't pay without any supporting documents from doctors or whoever to support that, it is hard for me to put much faith into your statement insofar as allowing that to be a basis for a defense to this contempt action."



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**PROOF OF SERVICE**

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I, the undersigned employee of Barnwell Whaley Patterson & Helms, LLC, herby certify that pursuant to Rules 240 and 262(b), SCACR, I have served the ***Respondents Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen's Return to Appellant's Motion for Clarification of Jurisdiction*** in this matter upon the Clerk of the South Carolina Court of Appeals, all counsel of record, and all pro se parties by electronic mail on January 8, 2026, to the following addresses:

The Honorable Jenny Abbot Kitchings  
Clerk, South Carolina Court of Appeals  
Email: ctappfilings@sccourts.org

Douglas Walker MacKelcan, III  
Skyler C. Wilson  
Copeland Stair Valz & Lovell, LLP  
40 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
Email: dmackelcan@csvg.law  
Email: swilson@csvg.law

Geoffrey Chambers  
CPERL Group, LLC  
411 Walnut Street #10646  
Green Cove Springs, FL 32043  
Email: g.k.chambers@gmail.com  
Email: geoffrey@cperlgroup.com

Jasmine D. Smith  
Cal Watson  
Robinson Gray  
2151 Pickens Street, Suite 500  
Columbia, South Carolina 29201  
Email: jsmith@robinsongray.com  
Email: cwatson@robinsongray.com

Jefferson Davis, Jr.  
403 McCarter Avenue  
Greenville, South Carolina 29615  
Sent Via U.S. Mail and  
Email: jeff@apogeetax.com

Jessica E. Kinard  
Law Offices of Jessica E. Kinard  
PO Box 667  
Columbia, South Carolina 29202  
Email: jessica.kinard@columbiasc.gov

Benjamin T. Coppage  
Coppage Law Firm, LLC  
1010 Carter Street  
Beaufort, South Carolina 29902  
Email: ben@coppagelawfirm.com

*/s/ Karen Jessee*

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Karen Jesse

January 8, 2026