THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Jan 14 2026
SC Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Hon. Donald B. Hocker, Circuit Court Judge

C.A. No.: 2020-CP-36-00382 &
C.A. No.: 2020-CP-36-00384
Appellate Case No 2024-002049

Jefferson Davis, Jr. ……………………………………………………………..……….Appellant,

v.

Chad Connelly, Dave Wilson, Steven 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, Geoffery Chambers, Esq. & South Carolina Educational Credit for Exceptional Needs Children Fund …………………………..……………………..… Respondents.

APPELLANT'S REPLY TO RESPONDENTS' RETURN TO MOTION FOR CLARIFICATION OF JURISDICTION

Pro Se Appellant Jefferson Davis, Jr., hereby replies to the Return to Appellant's Motion for Clarification of Jurisdiction ("Return") filed by Respondents Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen on January 8, 2026. Appellant respectfully requests that this Court

grant the relief sought in his Motion for Clarification and deny the alternative relief requested in the Return. In support hereof, Appellant states as follows:

1. As an initial matter, Appellant respectfully reminds this Court that he is proceeding *pro se* in this appeal. While *pro se* litigants are held to the same standards as attorneys in complying with procedural rules, South Carolina courts have long recognized that *pro se* pleadings and filings should be construed liberally to allow for substantial justice, particularly where no prejudice to the opposing party results. See, e.g., *Goodson v. Am. Home Assurance Co.*, 251 S.C. 271, 275, 162 S.E.2d 173, 175 (1967) (noting that *pro se* filings are entitled to lenient construction); *Burns v. Greenville Cnty. Council on Aging*, 320 S.C. 152, 153, 463 S.E.2d 616, 617 (Ct. App. 1995) (courts should avoid hyper-technical dismissals of *pro se* appeals). Appellant's efforts to comply with appellate deadlines amid his documented **Stage IV colon cancer** and ongoing medical treatments warrant such consideration, as detailed further below.

2. Respondents assert that Appellant has failed to comply with appellate rules by not filing his Initial Brief and Designation of Matter, warranting dismissal under Rule 208, SCACR. This assertion is premature and inaccurate. Appellant has **timely** sought extensions of time to file these documents due to his current medical disability, with his Second Motion for Extension filed on December 8, 2025—the very date the brief was due under this Court's prior order. That motion remains pending before this Court, and Appellant has acted in good faith reliance on his documented medical disability, which has been acknowledged by the trial court in its May 29, 2025 Order (attached to the Return as Exhibit A). Therein, the trial

court expressly recognized Appellant's Stage IV colon cancer, **ongoing chemotherapy treatments**, and inability to engage in work or most activities until at least September or October 2025, based on uncontroverted letters from Appellant's treating physicians. See Return Ex. A at 3-4. (*NOTE: this assessment was pre-reoccurrence in September 2025.*) As referenced and attested to in Appellant's Second Motion for Extension, Appellant is currently undergoing bi-weekly chemotherapy treatment, with the 7th treatment scheduled for January 14th-16th, 2026. This medical condition constitutes good cause for extensions under Rule 263(b), SCACR, and dismissal would be inappropriate while the motion is unresolved. See, e.g., Rule 260, SCACR (allowing reinstatement for good cause); Toomer v. Toomer, 244 S.C. 399, 137 S.E.2d 406 (1964) (appeals are matters of grace, but procedural flexibility exists where excusable neglect is shown). Notably, Respondents have opposed every extension and continuance request since Appellant's Stage IV colon cancer diagnosis in this matter and related court cases, yet each such opposition has been denied, underscoring the courts' consistent recognition of Appellant's legitimate medical hardships. Moreover, the jurisdictional uncertainty raised in Appellant's Motion—stemming from the trial court's continued scheduling of hearings—has contributed to Appellant's inability to prepare and finalize the brief, as it remains unclear what additional trial court proceedings might affect the record on appeal.

3. Respondents argue that the trial court retains jurisdiction to dispose of Appellant's petition for supersedeas because it has not yet ruled, citing the trial court's determination that Appellant has not produced evidence of inability to pay

contempt fees and costs. See Return at 2 (citing Return Ex. A). However, this overlooks that the trial court's own prior orders during the limited remand expressly directed the parties to address only Appellant's medical condition and verification thereof—not financial matters. The December 20, 2024 Remand Order from this Court limited the scope to an expedited hearing on (a) the supersedeas petition and (b) verification of Appellant's medical condition. The trial court's January 23, 2025 Order (referenced in Return Ex. A at 2) similarly focused solely on medical records, specifically stating: "*At present, this Order will only deal with the Plaintiff's medical records and this court will reserve ruling on the Defendants' other requests in the future depending upon what the medical records show*." (See January 23, 2025 Order, page 3, attached as Exhibit A.) Appellant's medical records do not contain personal financial information, and the trial court specifically deferred authorizing broad financial discovery. The May 29, 2025 Order from the trial court (Return Ex. A) summarized physician letters on medical treatment and work restrictions while deferring any financial inquiry to a future hearing. (See Return Ex. A at 5, Item #6, stating: "*That the issue of discovery as to any other matters requested by the Defendants is held in abeyance at this time*."). While the May 29, 2025 Order references the need for evidence addressing inability to pay, it does not reflect an order requiring production of financial records under the limited remand; Respondents' joint motion for broader discovery (including financial, tax, and asset records) was raised early in the remand but not granted; instead, the trial court cabined proceedings to medical verification of Appellant's cancer diagnosis, which the trial court had previously questioned. (See Exhibit B, transcript excerpt from

October 11, 2024 contempt hearing, where the trial court rejected Appellant's initial sworn to and uncontested health claims for lack of supporting medical records—which were provided later that same day.) Any attempt at this late date to expand into previously uncontested financial matters exceeds the limited remand's scope, supporting Appellant's request for clarification that jurisdiction has reassumed with this Court per the June 13, 2025 letter lifting abeyance. See E*lam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (upon reassumption after limited remand, lower court is divested absent express retention).

4. Furthermore, uncontroverted evidence of Appellant's inability to pay has already been provided to the trial court, and Respondents have never refuted it or offered counter-evidence. The May 29, 2025 Order (Ex. A) acknowledges voluminous medical records showing Appellant's Stage IV cancer diagnosis in 2024, ongoing chemotherapy treatments, and physician statements that Appellant is "*currently unable to work*" due to his condition, with recovery not expected until late 2025. Ex. A at 2-4. These records directly tie Appellant's medical disability to his financial incapacity, as they confirm no work or income-generating activities during treatment. Respondents have not challenged these facts in the remand proceedings, nor have they produced any evidence suggesting Appellant's ability to pay the contempt sanctions. The burden for supersedeas under Rule 241(d), SCACR, and cases like *Midlands Util., Inc. v. S.C. Dep't of Health & Envtl. Control*, 287 S.C. 483, 486, 339 S.E.2d 862, 864 (1986), is met where, as here, the appellant demonstrates hardship without rebuttal. The trial court's delay in ruling—

despite multiple opportunities—further implies the remand's purpose is served, warranting this Court's clarification.

5. Respondents' alternative requests—to deny supersedeas, dismiss the appeal, and affirm the November 25, 2024 contempt orders—are improper in response to a motion for clarification and should be denied. Such relief goes beyond the scope of the present motion, which seeks only jurisdictional clarity under Rules 205 and 241, SCACR. The June 13, 2025 letter from this Court's Clerk explicitly states the appeal **"*is no longer held in abeyance*"** and directs transcript ordering, implicitly closing the limited remand where no supersedeas ruling issued despite the **"*expedited*"** directive. See Motion Ex. A. The trial court's subsequent emails (Motion Exs. B & C) indicate intent to expand proceedings beyond the remand, risking conflicting jurisdiction. See *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 411, 526 S.E.2d 716, 718 (2000) (limited remands do not permit indefinite retention). Granting clarification will prevent prejudice and promote judicial efficiency, without the drastic measures Respondents seek.

[Continued on next page.]

WHEREFORE, Appellant respectfully requests that this Court grant his Motion for Clarification, enter an order confirming that the Circuit Court lacks jurisdiction for further proceedings on the merits, deny the Return's alternative requests, and grant such other relief as the Court deems just and proper.

Respectfully submitted this 13th day of January, 2026.

Jefferson Davis, Jr., Appellant
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Other Counsel / Parties of Record: See Certificate of Service

EXHIBIT A

RECEIVED
Jan 24 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF NEWBERRY)

JEFFERSON DAVIS, JR.)
)
Plaintiff/Appellant)
)
vs.) ORDER
) AS TO FIRST EXPEDITED HEARING
CHAD CONNELLY, et.al.) 2020-CP-36-00382 and 384
) Appellate Case No. 2024-002049
Defendants/Respondents)
______________________________)

On October 11, 2024, the Court held, in person, a contempt hearing. At this hearing the Plaintiff submitted the below Declaration without any medical records. This Court issued an Order of Civil Contempt against the Plaintiff in both cases on November 25, 2024. The Plaintiff filed an appeal of this Order and later filed an Emergency Writ of Supersedeas seeking to stay enforcement of the contempt Order during the pendency of the appeal. By Declaration of October 11, 2024, the Plaintiff claims:

1. He is unable to pay the court-ordered fees;
2. He has had colon cancer, had surgery on March 18, 2024 and has undergone chemotherapy through July 5, 2024;

3. Because of the substantial financial costs incurred because of his Health/cancer issues, he is currently unable to pay the court-ordered fees;

4. That he currently has substantial medical fees not covered by insurance.

Subsequent thereto, the South Carolina Court of Appeals issued an Order on December 20, 2024 ordering:

1. A temporary stay of the contempt Order;

2. A remand to this Circuit Court to hold an expedited hearing on the Petition for Supersedeas;

3. Appellant to provide sufficient medical records to support the health conditions attested to in his Affidavit (Declaration);

4. Appellant to provide the Court of Appeals status updates every thirty days.

Subsequent thereto, the Defendants filed a Joint Motion for Expedited Discovery seeking production of asset records, financial records, tax records, and medical records in order to respond to the Writ of Supersedeas.

This Court conducted what this Court believes to be a **First** Expedited Hearing on January 8, 2025 via virtual courtroom. Present on behalf of the

 #2 [illegible]

Defendants were Attorneys Justin Novak and Geoffrey Chambers. The Plaintiff was also in attendance. Counsel for the Defendants made their argument concerning their joint Motion for Expedited Discovery. The Plaintiff responded by wanting additional time to respond to the joint Motion and the Court gave him five days. He responded with a written Memorandum in Response to the Joint Motion for Expedited Discovery.

At present, this Order will only deal with the Plaintiff's medical records and this Court will reserve ruling on the Defendants' other requests in the future depending upon what the medical records show. Before the following ruling is made, the Court wants to make several observations in support of its ruling.

First of all, the South Carolina Court of Appeals made it very clear that the Plaintiff must provide sufficient medical records to support his health claims.

Secondly, the Plaintiff maintains that he has already provided the Court with medical records post the October contempt hearing. He also maintains that he provided a one-page medical diagnosis with these materials. First of all, this one page was not provided. What was provided were the following:

1. A very general and basic two-page My Chart Health Summary not in narrative form;

#3

2. A two-page spreadsheet (1/1/24-10/11/2024) of medical expenses showing provider, total charge, claim status, patient liability, and amount insurance paid. It is unclear who prepared and generated this two-page spreadsheet;

3. Approximately 75 pages of copies of Blue Cross/Blue Shield claim reports with many of these pages containing standard "boiler-plate" form language and many pages were not in English;

Thirdly, what the Court of Appeals wants and what this Court wants are medical records and information from doctors, hospitals, etc. that will specifically address and support the claims made by the Plaintiff in connection with his position concerning inability to pay the contempt fees. Records and information concerning future medical condition and prognosis would be in order as well.

Fourthly, the Plaintiff only wants to provide the medical records, *in camera,* to the Court and not to the Defendants. The Court will not do this. The Plaintiff has every right to prosecute his Writ of Supersedeas and his request to stay the contempt. However, the Defendants have every right as well to defend against the Writ and request to Stay. It would be unfair to the Defendants to deprive them of very critical information that the Plaintiff is basing his case on.

#4 [illegible]

Based upon the above, it is

HEREBY ORDERED:

1. That within thirty (30) days from the date of this Order, the Plaintiff shall provide to this Court and Attorneys Novak and Chambers all necessary medical records and information to support his claims.

2. That due to the personal and confidential nature of these medical records, the attorneys for the Defendants are to use these records and information that the Plaintiff provides in this case only. The attorneys have the right to discuss with their clients the general nature of the documents without allowing the Defendants to view the same. Everyone on the Defendants' side are enjoined and restrained from disclosing these records and information contained therein to anyone outside of this case in any manner whatsoever. Furthermore, the attorneys for the Defendants and the Defendants shall make no contact with any of the Plaintiff's medical providers and medical insurance companies as the Plaintiff has expressed concern that they would.

3. That the issue of discovery as to any other matters requested by the Defendants is held in abeyance at this time.

#5

SO ORDERED.

DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina
Date: 1-23-25

EXHIBIT B

State of South Carolina)
) Court of Common Pleas
County of Newberry)

2020-CP-36-00382, 00384

Jefferson Davis, Jr.)
vs.) Transcript of Record
)
)
Chad Connelly)
Defendant)

October 11, 2024
Newberry, South Carolina

B E F O R E:

Honorable Donald B. Hocker, Judge

A P P E A R A N C E S:

Jefferson Davis, Jr.
Pro se

Justin Novak, Esq.
Geoffrey Chambers, Esq.
Attorney for the Defendants

Joy E. Holston
Official Court Reporter

1 I think that will change the composition of this entire
2 case for the Court. If you would consider waiting until
3 that, the resolution of that case in Greenville I think
4 that would be very helpful.
5 THE COURT: Thank you. Everybody be at ease for just
6 a moment.
7 Okay, we are back on the record. Mr. Davis, while I
8 am certainly very sympathetic with your health situation,
9 you have had to deal with cancer. I am a cancer survivor
10 myself and I am very sorry you had to deal with that. **But**
11 **bold statements that you had health issues and therefore**
12 **can't pay without any supporting documents from doctors or**
13 **whoever to support that, it is hard for me to put much**
14 **faith into your statement insofar as allowing that to be a**
15 **defense to this contempt action.** As to 382, 384 and 93,
16 the Court orders that you are in wilful constructive civil
17 contempt of court in violation of prior orders. And you
18 are hereby sentenced to 90 days incarceration. You can
19 purge yourself of your contempt citation by paying within
20 ten days of receipt of the order, and I am going to ask
21 Mr. Novak, Mr. Chambers to prepare; in 382 to Novak
22 clients, $10,007.67 plus fees and cost per a submitted fee
23 affidavit. And Chambers clients, or client, $3,440.67
24 plus fees and cost, bring a contempt action; per a
25 submitted fee affidavit. In case number 384, the sum of

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Appellate Case No 2024-002049

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and

Jefferson Davis, Jr. ……………………………………………………………..……….Appellant,

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Chad Connelly, Tom Persons, Geoffery Chambers, Esq. & South Carolina Educational Credit for Exceptional Needs Children Fund ………………………….…………………….… Respondents.

PROOF OF SERVICE

I certify that I have served **APPELLANT'S REPLY TO RESPONDENTS' RETURN TO MOTION FOR CLARIFICATION OF JURISDICTION** on the below named parties via First Class Mail or email on **January 13th, 2026.**

[CONTINUED ON NEXT PAGE.]

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Non-Party - Educational Credit For Exceptional Needs
Children Fund (ECENC Fund, aka Exceptional SC)

[CONTINUED ON NEXT PAGE.]

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