

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge  
Civil Action No. 2024-CP-23-02744

**RECEIVED**  
**Jan 09 2026**  
**SC Court of Appeals**

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Appellate Case No: 2025-001550

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Bruce Wilson, ....., Appellant

v.

Pranceton Rodrigues Williams and Ennis M. Fant, Defendants,

Of Whom Ennis M. Fant....., Respondent.

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**APPELLANT’S MOTION FOR RELIEF FROM PORTION OF ORDER DATED  
JANUARY 8, 2026, AND TO PRECLUDE RESPONDENT FROM FILING UNTIMELY  
INITIAL BRIEF**

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**APPELLANT**

**TO: THE HONORABLE JUDGES OF THE COURT OF APPEALS**

**COMES NOW** the Appellant, Bruce Wilson (“Appellant”), and respectfully moves this Court for an Order precluding the Respondent, Ennis M. Fant (“Respondent”), from filing an untimely initial brief. Respondent’s failure to comply with the mandatory deadline set forth in SCACR Rule 208(a)(2), coupled with his failure to seek an extension as required by Rules 240 and 263(b), warrants the relief requested herein.

**STATEMENT OF FACTS AND PROCEDURAL HISTORY**

Appellant filed and served his Appellant’s Initial Brief on September 26, 2025. SCACR Rule 208(a)(2) mandates that a respondent shall serve and file a brief “[w]ithin thirty (30) days after service of appellant’s brief.” Accordingly, Respondent’s mandatory deadline to serve and file his initial brief was October 26, 2025. Respondent failed to serve or file his brief by this deadline. Furthermore, Respondent did not file any motion for an extension of time pursuant to SCACR Rules 240 and 263(b) prior to the expiration of this deadline. This Court subsequently entered an Order dated January 8, 2026, which resolved a collateral service dispute and accepted Appellant’s brief “as served and filed,” thereby affirming that service was effectuated on September 26, 2025.

**ARGUMENT**

**I. RESPONDENT’S BRIEF IS UNTIMELY UNDER THE MANDATORY LANGUAGE OF SCACR RULE 208(a)(2), AND THE COURT MAY TAKE “SUCH ACTION AS IT DEEMS PROPER.”**

Rule 208(a)(2) is unambiguous in its directive. The use of the term “shall” imposes a mandatory, non-discretionary obligation upon the respondent to act within thirty days. This deadline is a cornerstone of orderly appellate practice, designed to ensure the timely progression of cases and the protection of all parties’ rights. This Court has already confirmed the triggering

event by ruling that Appellant's brief was properly served on September 26, 2025. As a matter of law, the period for Respondent's compliance ended on October 26, 2025. His inaction constitutes a clear and unequivocal violation of the rule.

The consequence of this violation is expressly provided for in the rule itself. SCACR Rule 208(a)(4) states: "Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper." This provision grants the Court broad, discretionary authority to address procedural default. The range of proper actions includes, and in a case of unexcused, lengthy delay logically encompasses, precluding the defaulting party from filing an untimely brief. To allow a filing nearly five months after the deadline, absent any request for an extension, would eviscerate the mandatory nature of Rule 208(a)(2). It would effectively permit a party to unilaterally suspend the appellate calendar through inaction, thereby prejudicing the opposing party and undermining the Court's control over its docket. The "such action as it deems proper" under these circumstances is to enforce the rule by denying Respondent the privilege of filing a brief he has forfeited.

**II. RESPONDENT FAILED TO SEEK AN EXTENSION UNDER RULES 240 AND 263(b), AND NO GROUNDS FOR A RETROACTIVE EXTENSION EXIST.**

The SCACR provide a clear, exclusive pathway for a party who cannot meet a deadline: a motion for extension. SCACR Rule 263(b) provides the Court with the authority to extend time, while Rule 240 governs the procedure, requiring a formal motion that demonstrates "good cause or extraordinary circumstances." It is a foundational principle of motion practice that such a request must be made before the expiration of the period sought to be extended. Respondent never initiated this process. He allowed the October 26 deadline to pass without filing a brief and without filing a motion seeking more time.

The grounds that might justify an extension are absent here. The rule and associated commentary indicate that “the press of other business” is insufficient, and circumstances must be truly beyond the moving party’s control. Respondent’s choice to withhold filing based on a disputed service issue does not constitute such a circumstance. This was a strategic litigation decision. Having made that choice and lost on the merits of the service objection, Respondent cannot now retroactively manufacture “good cause” from the very delay he created. The Court’s January 8 Order, insofar as it established a new 30-day period, inadvertently granted relief that was never requested and for which no cause was shown. The proper judicial response to resolving the service dispute in Appellant’s favor was not to reset the clock for Respondent, but to recognize that the clock had already run. Any other approach punishes the prevailing party and rewards obstruction.

### **III. EQUITIES, JUDICIAL ECONOMY, AND THE INTEGRITY OF THE APPELLATE PROCESS FAVOR PRECLUSION.**

The discretionary authority of Rule 208(a)(4) must be exercised in light of fundamental principles of fairness and efficiency. Appellant has pursued this appeal with diligence, filing his brief timely and successfully defending its service against an unfounded challenge. He has a compelling interest in the expeditious resolution of his appeal. Conversely, Respondent has demonstrated a pattern of disregard for the Court’s procedural rules first by refusing to accept service at an address his own firm uses, and second by ignoring a clear filing deadline without seeking leave of the Court.

Granting Respondent leave to file a brief at this extremely late date would work a significant prejudice upon Appellant. It would reward delay, condone the disregard of procedural rules, and signal to litigants that mandatory deadlines are merely suggestive. Judicial economy is also disserved by restarting a briefing schedule that should have concluded months ago, further

burdening the Court's resources. The integrity of the appellate process depends on consistent enforcement of the rules that govern it. Upholding that integrity requires the Court to deem Respondent's right to file a brief waived and to proceed to consider the appeal on the basis of Appellant's submissions and the record below.

**IV. RESPONDENT'S COUNSEL HAS DEMONSTRATED A PATTERN OF MISREPRESENTATION AND DISREGARD FOR HIS DUTY OF CANDOR TO THE TRIBUNAL, FURTHER WARRANTING PRECLUSION.**

As an officer of the court, Respondent's counsel bears a non-negotiable duty of candor and truthfulness in all dealings with the judiciary. This duty is codified in the South Carolina Rules of Professional Conduct and is fundamental to the administration of justice. Counsel's conduct in this matter specifically, his knowing misrepresentation to this Court regarding his firm's accepted mailing address constitutes a serious breach of this duty and exhibits a disrespect for the Court's processes that independently justifies the preclusion of his client's untimely brief. The sequence of events is telling and unambiguous. On November 6, 2025, in a formal email to this Court and Appellant regarding the service deficiency, Respondent's counsel, Austin D. Nichols, Esq., unequivocally stated: "P.O. Box 1452, Columbia, South Carolina 29202 is not an appropriate address and has never been listed as a mailing address under my SC Bar profile." This statement was the sole basis for contesting service and creating the procedural delay that followed. Counsel presented this not as a minor oversight, but as a definitive fact intended to persuade the Court that Appellant's service was invalid. However, this very Court's Order of January 8, 2026, uncovered the truth. The Order explicitly notes that in another pending matter before this Court, *Leslie E. Jennings-Maldonado v. Demetrius Fleming*, Appellate Case No. 2025-001424, counsel for Respondent the same Austin Nichols of The Rutherford Law Firm had filed a motion for extension of time. That motion was submitted on firm letterhead that included P.O. Box 1452, Columbia, SC

29202 as an address for the firm. This was not an isolated or ancient reference; the motion was filed on December 2, 2025, a mere three weeks after counsel's November 6 representation to this Court.

Thus, within a span of less than one month, counsel made two contradictory submissions to this Court: first, a sworn assertion that P.O. Box 1452 was "not an appropriate address" for service; second, a formal court filing that proudly displayed that same P.O. Box as part of the firm's official contact information. Both cannot be true. This is not a minor discrepancy; it is a direct, material misrepresentation concerning a fact central to a procedural dispute before the Court. Counsel either knowingly made a false statement on November 6, or he filed a misleading document with the Court on December 2. Either scenario represents a profound failure in his duty of candor.

This misrepresentation was not passive; it was the active engine of delay. Counsel used this claim to reject service, trigger a deficiency, and force Appellant to file a motion for reconsideration a process that consumed over two months of this Court's and Appellant's time. Having now been caught in this contradiction by the Court's own review, allowing Respondent to benefit from the delay his counsel manufactured would be an affront to the principles of fairness and integrity. It would send a damaging message that an attorney can mislead the Court to secure a tactical delay without consequence. This conduct goes to the heart of the judicial system's reliance on attorney veracity. When an attorney, as an officer of the court, makes a factual representation to a tribunal, the court is entitled to rely on its truthfulness without undertaking an independent investigation. Counsel's actions here abused that trust. To now grant his client the extraordinary relief of filing a brief five months late would not only reward the dilatory tactics founded on this misrepresentation but would also undermine the Court's authority and the ethical

standards governing the bar. Therefore, Respondent's failure to file a timely brief is compounded by the unclean hands of his counsel. The Court, in exercising its discretion under Rule 208(a)(4), should consider the entire pattern of conduct. Precluding the untimely brief serves the dual purpose of enforcing procedural rules and sanctioning, in a measured and appropriate way, conduct that disrespects the Court's processes and violates an attorney's core ethical duties. The integrity of the appellate process demands no less.

**WHEREFORE**, Appellant respectfully requests that this Court:

1. Find that Respondent failed to timely serve and file his initial brief as mandated by SCACR Rule 208(a)(2), the deadline being October 26, 2025.
2. Pursuant to the discretionary authority granted by SCACR Rule 208(a)(4), take action deemed proper by entering an Order precluding Respondent from filing an initial brief in this appeal.
3. Correct the January 8, 2026, Order to the extent it can be read as granting a sua sponte extension for which no motion was filed and no good cause shown.
4. Set this matter for consideration on the merits based upon Appellant's Initial Brief and the existing record.
5. Grant such other and further relief as is just and proper.

Respectfully submitted,

By: s/ Bruce Wilson  
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**APPELLANT**

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**PROOF OF SERVICE**

I certify that on January 9, 2026, I served a copy of Appellant’s Motion For Relief cc: E-Mail to [ctappfiling@sccourts.org](mailto:ctappfiling@sccourts.org) and United States Mail, prepaid and addressed to:

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**Attorney for Respondent**

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**Appellant**