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Jan 20 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
The Honorable Michael G. Nettles
12th Judicial Circuit Court Judge
Trial Court Case No.: 2021-CP-21-02121

Appellate Case No.: 2024-001454

IN Re: Hannah Secka individually and as parent and guardian for the minor, M.Y.S., Appellants,

v.

Florence County School District One and Florence County Sheriff's Department, Respondents.

**RESPONDENT'S MOTION IN OPPOSITION OF
APPELLANT'S RECORD ON APPEAL**

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Appellant, *pro se*

COMES NOW the Respondent, by and through its undersigned counsel, and respectfully move this Court to issue an order approving Respondent's opposition to the Record on Appeal filed by Appellant, Hannah J. Secka, and in support thereof state as follows:

LEGAL ARGUMENT

Under Rule 210(c), SCACR, mandates that the Record on Appeal must include all designated matters under Rule 209, and comply with the requirements under Rule 267, and exclude any material not presented to the lower court. Appellant has included additional documents and information, omitted documents designated by the Respondent, and is using documents where language and forms have been distorted (presumably when converted). Additionally, Rule 210(c) states, "matters contained in the Record shall be arranged in the following order: title, page, index, orders, judgments, ..., decisions, pleadings, transcripts, ..., and exhibits. Each pages of the Record shall be numbered consecutively beginning with the index." Appellant's Record on Appeal lacks basic structure and is not in compliance with the SCACR Rules. Appellant's Record on Appeal is not compiled in any discernable order, particularly in the order established by the rules, nor are the pages numbered consecutively.

LEGAL PRECEDENT

South Carolina appellate courts have consistently held that strict compliance with procedural rules is essential to preserving the integrity of the appellate process. The following precedent support Respondent's position:

- *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992): The Court emphasized that the South Carolina Appellate Court Rules are not mere technicalities but provide an orderly mechanism for guiding appeals. Multiple instances of failure to comply may result in dismissal or other sanctions.

Case law and the rules themselves establish that failure to properly compile the Record on Appeal in accordance with the rules, and in a way that can be appropriately utilized by both parties,

is not a trivial error, but can rise to the level of a violation that can result in dismissal, sanctions, and other corrective measures.

PROCEDURAL RULES

Relevant rules include Rule 210(a), 210(c), 209, and 269 of SCACR. These rules govern the preparation, service, and filing of the Record on Appeal and authorize the Court to dismiss appeals or impose remedies for noncompliance.

PREJUDICE TO RESPONDENT

Respondent has been materially prejudiced by Appellant's failure to properly compile the Record on Appeal. Without an adequate and organized Record on Appeal, Respondent is unable to: review the designated materials to ensure accuracy and completeness; prepare a responsive brief or motion addressing the issues raised on appeal; identify any mischaracterizations or omissions in the Record on Appeal that may affect the outcome of the appeal; prepare an accurate Final Brief, and/or participate meaningfully in the appellate process. This lack of an adequate and organized Record on Appeal impairs Respondent's ability to defend the lower court's ruling and undermines the fairness of the proceedings.

EQUITABLE RELIEF

Respondent request that the Court exercise its equitable powers to stay proceedings, compel Appellant to file and serve a proper Record on Appeal, and restore fairness to the process. Respondent further requests that the Court's order addresses the opportunity for Respondent to file an updated and more accurate Final Brief.

COURT DISCRETION

The South Carolina Court of Appeals retains broad discretion to manage its docket, enforce procedural rules, and issue appropriate remedies in response to procedural violations. This discretion is grounded in both the SCACR and established case law.

Under Rule 226, SCACR, the Court may dismiss an appeal or take other corrective action when a party fails to comply with the rules governing appellate procedure. The Court's discretion includes the authority to: strike improperly filed or served documents; impose sanctions under Rule 269, SCACR; award attorney's fees and costs; stay proceedings pending compliance; dismiss the appeal for failure to prosecute or comply with deadlines. See *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992)(appellate rules are not mere formalities and that the Court has discretion to enforce them to preserve fairness and efficiency).

PRAYER FOR RELIEF

WHEREFORE, Respondent respectfully request that this Court:

1. Find that the Record on Appeal has not been adequately compiled and organized and identified as required by Rule 210(c).
2. Direct Appellant to serve upon Respondent a complete and accurate copy of the Record on Appeal that complies with relevant rules;
3. Enforce compliance with applicable procedural rules under SCACR;
4. Stay further proceedings until Respondent is in compliance with rules governing the Record on Appeal;
5. Allow Respondent to file an updated and accurate Final Brief.
6. Apply relevant legal precedent to support the requested relief;
7. Exercise the Court's discretion to issue any further relief deemed just and proper.

Respectfully Submitted:

DUFF | FREEMAN | SEIBERT, LLC

By: *s/Meredith L. Seibert*

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Columbia, South Carolina

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CERTIFICATE OF SERVICE

The undersigned of Duff Freeman Seibert, LLC, hereby certifies that s/he caused the following party of record to be served with the foregoing, ***Respondent's Motion in Opposition of Appellant's Record on Appeal***, above-captioned matter, by electronic/e-mail, and by mailing a copy of same, postage prepaid and return address clearly indicated, on this 20th day of January 2026:

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hannsc2@aol.com

I further certify that all parties required by the Rule have been served.

[SIGNATURE BLOCK FOLLOWS ON NEXT PAGE]

By: s/Meredith L. Seibert

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