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**Jan 27 2026**

**SC Court of Appeals**

## **CONSOLIDATED OMNIBUS MOTION**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

**James M. Harley,**  
Appellant,

v.

**South Carolina Department of Employment and Workforce;  
Bradshaw Automotive Group, Inc.,**  
Respondents.

**Appellate Case No.: 2024-001795**

## **CONSOLIDATED MOTION TO**

(1) STAY ALL BRIEFING DEADLINES,

(2) FOR LEAVE TO AMEND AND SUPPLEMENT THE RECORD ON APPEAL PURSUANT TO RULE 210(c), SCACR,

(3) FOR LEAVE TO AMEND BRIEFS FILED TO DATE, AND

(4) FOR LEAVE TO FILE A REPLY TO RESPONDENTS' MOTION TO DISMISS

COMES NOW the Appellant, **James M. Harley**, appearing pro se, and respectfully moves this Court for the consolidated relief set forth above. The relief requested is limited in duration, grounded in the South Carolina Appellate Court Rules, and necessary to preserve meaningful appellate review while promoting judicial efficiency. In support thereof, Appellant states as follows:

## **I. PROCEDURAL POSTURE AND DEFINED TIMEFRAME**

1. Appellant is actively and diligently seeking to retain appellate counsel and reasonably anticipates doing so on or before **February 15th, 2026**.
2. Appellant seeks relief only until the earlier of:
  - a. the entry of appearance by appellate counsel, or
  - b. **February 28th, 2026**.
3. This defined and limited timeframe avoids open-ended delays and supports orderly docket management.

## **II. APPELLANT'S MEDICAL CONDITIONS AND IMMINENT SURGERY CONSTITUTE GOOD CAUSE**

4. Appellant suffers from chronic and serious health conditions that substantially impair his ability to maintain sustained concentration and perform complex legal tasks, particularly during periods of acute pain.
5. Appellant has undergone or is scheduled to undergo:
  - a. A medical procedure on **January 21, 2026**, and
  - b. A subsequent surgical procedure requiring up to a week's hospitalization was scheduled to occur on **January 26, 2026**, but has been postponed until **February 9<sup>th</sup>, 2025**.
6. These medical events directly affect Appellant's capacity to comply with technical appellate requirements during this narrow window and make decisions.
7. Appellant does not raise these facts for sympathy, but to establish **good cause** for a short, defined stay and curative relief expressly authorized by the Appellate Court Rules.
8. Proceeding without accommodation under these circumstances would materially risk procedural default unrelated to the merits of the appeal.

## **III. STAY OF BRIEFING DEADLINES PROMOTES JUDICIAL EFFICIENCY**

9. Respondents have filed a Motion to Dismiss based on alleged deficiencies in the Record on Appeal.
10. Continuing briefing deadlines while:
  - a. a dispositive motion is pending,

- b. appellate counsel is actively being retained, and
  - c. Appellant faces imminent medical procedures,  
would create unnecessary filings likely to require later correction or duplication.
11. A temporary stay conserves judicial resources and avoids piecemeal litigation.
12. Respondents themselves request that timelines be held in abeyance pending resolution of their Motion to Dismiss, confirming that a stay is appropriate and efficient.

#### **IV. RULE 210(c), SCACR AUTHORIZES CORRECTIVE RELIEF, NOT DISMISSAL**

13. Respondents rely heavily on **Rule 210(c), SCACR**, yet that rule expressly authorizes this Court to permit amendment and supplementation of the Record on Appeal.
14. Rule 210(c) exists to cure record deficiencies, not to mandate dismissal where defects are correctable.
15. Dismissal is a drastic remedy and is disfavored where the Rules provide a direct corrective mechanism and where supplementation will permit full merits of review.
16. Newly retained appellate counsel must be afforded a reasonable opportunity to compile a complete, compliant record incorporating all designated materials, including those identified by Respondents.

#### **V. AMENDMENT OF BRIEFS IS NECESSARY FOR MEANINGFUL REVIEW**

17. Appellant's briefs to date were prepared while proceeding pro se, under significant health limitations, a limited capacity physically and to make decisions and without access to professional appellate resources including efficient office and mail services.
18. Amendment of briefs may be required to:
- a. integrate a corrected Record,
  - b. properly frame standards of review,
  - c. refine legal issues, and
  - d. ensure full compliance with **Rules 208 and 221, SCACR**.
19. Allowing amended briefing assists the Court by presenting a coherent, professionally structured appeal suitable for merits determination.

## VI. EXTENDED AGENCY DELAYS AND PREJUDICIAL CONDUCT BY SC DEW

20. This matter has been marked by extraordinary delays attributable to the South Carolina Department of Employment and Workforce, beginning in **April 2020 and extending through October 2024**.
21. These delays imposed prolonged financial, medical, and emotional strain on Appellant and significantly burdened prior counsel so much, so they sought to be relieved.
22. The cumulative effect of repeated delays, procedural resistance, and aggressive litigation tactics created the appearance that SC DEW sought to exhaust Appellant's resources and wear down counsel rather than facilitate timely adjudication.
23. Against that backdrop, Respondents' current request for dismissal based on curable procedural defects reflects a continuation of an approach that prioritizes attrition over resolution on the merits.
24. Equity and due process weigh strongly against dismissal where an agency's own prolonged delays materially contributed to the procedural posture now at issue.

## VII. DUE-PROCESS CONSIDERATIONS

25. The right to appeal must be **meaningful**, not merely theoretical.
26. Dismissing this appeal while:
  - a. curative relief is expressly authorized by rule,
  - b. appellate counsel is actively being retained,
  - c. Appellant faces imminent surgery and hospitalization,
  - d. the case history reflects years of agency-caused delay, would elevate procedural rigidity over fundamental fairness, and
  - e. Appellate counsel's move to require appellant to mail all served documents instead of emailing them requiring unnecessary administrative work as well as violating pro se litigants' constitutional rights.
27. The limited relief requested protects due process without prejudicing Respondents.

## WHEREFORE, Appellant respectfully requests that this Court:

- A. Stay all briefing deadlines until the earlier of counsel's appearance or **February 28th, 2026**;
- B. Grant leave under **Rule 210(c), SCACR**, to amend and supplement the Record on Appeal;

- C. Grant leave to amend all briefs filed to date;
- D. Grant leave to file a Reply to Respondents' Motion to Dismiss;
- E. Permit Pro Se Appellant to email legal service ; and
- F. Grant such other relief as the Court deems just and proper to ensure meaningful appellate review.

Respectfully submitted,



**James M. Harley**  
Appellant, Pro Se  
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# Certificate of Service

I certify that on January 26<sup>th</sup>, 2026,  
I served a true and correct copy of  
the Consolidated Omnibus Motion  
on the following counsel of record by  
U.S. Mail:

• Valerie M. McMullan, Esq.

SCDEW

P.O. Box 8597.

Columbia, SC 29202; and

• Sarah M. Cable, Esq.

OgletreeDeakins

2142 Boyce Street, Suite 400

Columbia

Respectfully,

SC 29201

