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Feb 05 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Deborah Brooks Durden, Administrative Law Judge

Case No.: 21-ALJ-22-0047-AP

Appellate Case No. 2024-001795

James M. Harley, Appellant,

v.

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

Return in Opposition to Appellant's Omnibus Motion

Respondent South Carolina Department of Employment and Workforce (the Department) opposes Appellant's omnibus motion and in support thereof, respectfully shows:

Appellant should not be allowed to amend their initial brief, and to the extent they may be requesting to do so, should not be allowed to amend their designation of matter. Appellant's initial brief and designation of matter were initially due on November 24, 2024. Prior to the initial deadline, Appellant's then-counsel filed a motion to be relieved as counsel and within that motion indicated Appellant was seeking and had identified new counsel and requested an extension of deadlines. Appellant also filed subsequent motions for extension. In total, Appellant had more than eight months from the time the brief and designation of matter was initially due on November 24, 2024 to when he actually filed and served his initial brief and designation of matter on August 11,

2025. Appellant does not make clear what he wishes to amend within his brief, only that it “may” be required. (App.Omnibus Mtn. p.3). Further, insofar, as Appellant may be relying on potential counsel retention as the basis of amending his initial brief, Appellant has had ample time to obtain counsel and proceeding as a pro se party is not by itself a reason for Appellant to be given leave to amend his initial brief. Appellant was responsible for and is held to the same standard as a represented party. *State v. Burton*, 589 S.E.2d 6, 9, n. 5 (S.C. 2003) (Explaining that “[a] pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.”). Further, granting such a request would essentially reset the matter and parties would have to brief again. There is a limit beyond which the court should allow a litigant to consume the time of the court and to prolong unnecessarily time, effort, and costs to defending parties. *Georganne Apparel, Inc. v. Todd*, 303 S.C. 87, 92, 399 S.E.2d 16, 19 (Ct. App. 1990). Appellant was already provided ample time to file a proper initial brief and designation of matter. Appellant represented to the Court in November 2024 that he was seeking counsel and has not yet done so, he filed an initial brief and designation as a *pro se* party in August 2025, and he provides no persuasive reason as to why he should be permitted to further amend the initial brief and designation of matter. Therefore, this Court should deny Appellant’s motion to amend his initial brief and designation of matter.

Appellant should not be permitted to serve the parties by email. Rule 262(c), SCACR sets forth that service must be made by delivery, mail, or in the manner provided by order of the Supreme Court of South Carolina. The Supreme Court of South Carolina only provides for electronic service between lawyers. *See Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court rules*, (S.C. Sup.Ct. Order dated April 24,2024). Appellant is not a lawyer and therefore not permitted to serve the parties by electronic service.

Therefore, this Court should deny Appellant's motion to permit Appellant, as a *pro se* party, to serve electronically.

Appellant should not be permitted to amend and supplement the Record on Appeal. Appellant requested and was granted two extensions to serve the Record on Appeal and file a proof of service with the Court. On January 6, 2026, Appellant served upon Respondents a six page document titled "Record on Appeal and Statement of Authorities."¹ Therein, Appellant failed to include any matters designated by the parties. As set forth more thoroughly in Respondents' Joint Motion to Dismiss, because Appellant failed to abide by the requirements set forth in this Court's rules the Court should dismiss his appeal or alternatively strike the alleged "Record on Appeal" and order Appellant to serve a record on the parties that is in compliance with this Court's rules.

As to Appellant's request for abeyance, the Department takes no position.

Based on the foregoing, the Department prays this Court deny Appellant's Motion to amend his initial brief and designation of matter, deny Appellant's Motion to serve the parties by email, deny Appellant's Motion to amend or supplement the record on appeal, and dismiss Appellant's Appeal.

Respectfully Submitted,

s/ Valerie McMellan

Valerie McMellan (SC Bar # 101080)
SC Department of Employment and Workforce
Post Office Box 8597
Columbia, SC 29202
803.737.0395 (phone)
803.737.0124 (fax)
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February 5, 2026.

¹ What was served upon the Respondents is the same document filed with the Court and appearing on c-track with a filed date of January 6, 2026, as "Record – Record on Appeal Filed."

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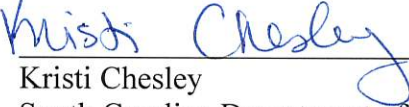
PROOF OF SERVICE

I certify that I have served the Return in Opposition to Appellant's Omnibus Motion on the parties in this case by mail on February 5, 2026, addressed to the parties at their addresses of record:

James M. Harley
238 Woods Rd
Greer SC 29650

Sarah Gable, Esq.
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February 5, 2026



Kristi Chesley
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SC Court of Appeals

By Email at ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: James M. Harley v. South Carolina Department of Employment and
Workforce and Bradley Automotive Group Inc.
Appellate Case No: 2024-000251

Dear Ms. Kitchings:

Enclosed is the Return in Opposition to Appellant's Omnibus Motion in the above referenced case. A proof of service is also included in this mailing indicated service upon the parties.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kristi Chesley".

Kristi Chesley
Administrative Legal Assistant for
Valerie McMellan
Attorney for Respondent South Carolina
Department of Employment and Workforce