

EXHIBIT-A

(Hon, Brian M. Gibbons Magistrate Judge
Order)

The order judgment which is to be challenged on appeal.

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS)
IN THE SIXTH JUDICIAL CIRCUIT)

Estate of Robert E. Powers Jr., Jennifer D. Powers, Personal Representative,)

Civil Action No.: 2025-CP-20-00274 and 275)

Plaintiff/Appellant.)

ORDER OF DISMISSAL

vs.)

The Hon. Bradley Caulder as an individual,)
Law Office of Barbara E. Brunson, as)
guardian ad litem for Robert Edward)
Powers, Jr., Barbara Brunson, individual,)
Family Services, Inc., d/b/a Origin SC, as)
Conservator for Robert E. Powers, Jr.,)
Caprice Atterbury, as an individual, Traci)
Strickland, as an individual, Leslie P.)
Taylor, as Guardian for Rober E. Powers,)
Jr., Leslie P. Taylor, individual, Attorney)
Brian Dumas, individual, and Attorney)
Brandon Keith Poston, individual,)

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SC Court of Appeals

Defendants/Respondents.)

These matters come before the Court on various Motions to Dismiss filed by Defendants/Respondents Keith Poston, Esq., Brian Dumas, Esq., and Barbara Brunson, Esq., individually as well as the Law Office of Barbara E. Brunson. A hearing was conducted on January 27, 2026 in Fairfield County, South Carolina. After further review and deliberation, Defendants' Motions to Dismiss are respectfully GRANTED and these matters are dismissed with prejudice for the reasons stated below.

Procedural Background

This appeal, as near as the Court can tell, appears to originate out of various probate matters which began in Richland County concerning the Estate of the Plaintiff/Appellant's late father. Since these probate matters began in 2020, Plaintiff/Appellant Jennifer D. Powers has continually

filed lengthy, confusing, and essentially incomprehensible "motions" against a litany of defendants.

The Court must note at the outset that it is unclear what order the Plaintiff/Appellant purports to appeal. In their various Motions to Dismiss, the Defendants correctly note that, in her Notice of Intent to File Suit filed in this Court, the Plaintiff/Appellant marked the box for a probate court appeal, yet attached as a supporting exhibit an order from our Court of Appeals dismissing her direct appeal to that court (filed September 9, 2025). Alternatively, the Defendants theorize in their motions to dismiss that the Plaintiff/Appellant meant to appeal the June 30, 2025 order of the Probate Court, or as a third alternative that she meant to appeal the September 10, 2025 order of the Probate Court. Regardless of which order she intended to appeal, there are myriad procedural issues with each of them, discussed in more detail below.

Discussion and Order

1) Procedural Defects with Plaintiff/Appellant's Filings Deprive this Court of Jurisdiction.

The first of many issues with this appeal is Plaintiff/Appellant's failure to make timely or proper filings. If she intended to appeal the Court of Appeals' Order dismissing her appeal, (as it would appear from her Notice of Intent to File Suit which contained that Order as an exhibit) it would not properly be before this Court, as a decision of our Court of Appeals cannot be appealed "down" to the Circuit Court.

If she intended to appeal the June 30 Order of the Probate Court, she again did not do so timely. On July 18, 2025, she (improperly) filed a notice of appeal with the Court of Appeals, but neglected to file a notice of appeal with the Circuit Court within 10 days as required by S.C. Code § 62-1-308(a). Plaintiff/Appellant instead attempted to file a direct appeal to the Court of Appeals



without the necessary consent of all parties contemplated by S.C. Code § 62-1-308(1). Therefore, if this was the Order she intended to appeal, she failed to do so timely and failed to follow proper procedure.

Finally, if Plaintiff/Appellant intended to appeal the September 10, 2025 Order of the Probate Court, she arguably filed her appeal timely on September 15, five days later. However, even if this was the case, she failed to file a Statement of Issues on Appeal within 45 days as required by S.C. Code Ann. § 62-1-308(b). Again, this failure to timely file required companion pleadings warrants dismissal. *See, e.g., Montgomery v. Keziah*, 277 S.C. 84, 85 (1981) (affirming court's dismissal of appeal due to failure to file the grounds of appeal as required by statute).

The above is sufficient to warrant procedural dismissal of this appeal because the failure to properly follow deadlines and filing procedures deprives this Court of jurisdiction over these matters. However, in the interest of thoroughness the Court will address the other grounds for dismissal raised in Defendants' motions.

2) Appellant failed to properly serve any defendants.

The Plaintiff/Appellant, in attempting to serve the Defendants, opted to do so via FedEx, rather than certified mail as required under the applicable rules of procedure. Further, she "served" the Defendants at their office addresses rather than on their various attorneys, all in violation of S.C. Code § 62-1-304, Rule 5(b)(1), SCRPC, and Rule 262(c), SCACR. Therefore, this Court lacks jurisdiction over these Defendants because they were not properly served with process. Therefore, these matters should be procedurally dismissed on these grounds.

3) No grounds for appeal nor any relief sought can be understood from Plaintiff/Appellant's briefing.

Rule 8, SCRCP, requires a party to set forth a short and plain statement of the grounds for jurisdiction, facts, and a prayer for relief. It is nearly impossible to discern from Plaintiff/Appellant's briefing any plain statement of facts regarding any of these Defendants, nor is there a clear statement of the relief sought. Instead, her filings amount to an extremely lengthy and confusing discussion of matters seemingly related to the probate court proceedings, as well as pointing to numerous statutes and cases which are largely inapplicable here (for example, a litany of federal procedural rules and case law). To the extent any relief requested can be discerned, it appears that Plaintiff/Appellant seeks to have a United States Magistrate Judge hear this appeal. However, for a Federal Magistrate to hear any portion of a case, it must be in Federal Court, which this case clearly is not.

Thus, the Plaintiff/Appellant has failed to present cognizable grounds for suit, failed to plead specific facts as against any Defendant, and seeks no clear relief other than the plainly futile attempt to have a Federal Magistrate hear the case. Again, these failures subject Appellant's claims to substantive dismissal with prejudice.

4) Appellant lacks standing to bring this action or pursue an appeal on behalf of an estate.

Plaintiff/Appellant is not a licensed attorney and therefore lacks standing to pursue this action in a representative capacity as a pro se litigant. The Supreme Court has made it clear that a non-lawyer personal representative cannot represent an estate. *Brown v. Coe*, 365 S.C. 142, (2005). The Court finds that the Probate Court was correct in dismissing Plaintiff/Appellant's motions in that court on the grounds that she had no standing to file a civil action on behalf of her father's estate. Likewise, this Court agrees that the appeals must be substantively dismissed.



5) *Sanctions.*

Finally, the Court finds that for all the reasons stated above, this "Appeal" constitutes frivolous litigation. Plaintiff/Appellant is hereby cautioned that any future filings regarding these matters may be subject to severe financial and injunctive sanctions in accordance with the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code § 15-36-10. This order ends these cases with finality.

The Court notes that at the hearing, Ms. Tina Nelson Kinsey passed up various documents including one styled as a "Motion for Protective Order" on behalf of Leslie Powers Taylor. This motion was not filed or docketed and therefore was not properly before the court, so it has not been considered in issuing this order. Besides, this Order dismisses these actions with prejudice and cautions the Plaintiff/Appellant regarding pursuing further litigation. However, nothing prevents Ms. Kinsey or Ms. Taylor from seeking a restraining order through Magistrate's Court.

Finally, the Court has reviewed the recent filings made in the days following the hearing—these filings continue to cite irrelevant Rules of Federal Procedure. The relief requested in those filings is denied, to the extent that any request for relief can be discerned. These cases are dismissed. Any future filings must be filed with the appellate courts should the Plaintiff/Appellant choose to appeal.



Conclusion

Therefore, for the reasons stated above, the Defendants' Motions to Dismiss are hereby GRANTED and these appeals are dismissed with prejudice.

AND IT IS SO ORDERED.



Judge Brian M. Gibbons
Resident Judge
Sixth Judicial Circuit

Fairfield, South Carolina
January 29, 2026

