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Feb 17 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable David P. Caraker, Jr.

APPELLATE CASE NO. 2026-000074

Delores HollowayRespondent,

v.

The South Carolina Ports AuthorityAppellant.

**RESPONDENT'S MOTION FOR LEAVE TO FILE MEMORANDUM REGARDING
APPEALABILITY OF INTERLOCUTORY ORDER OUT OF TIME**

Pursuant to Rule 240, SCACR, Respondent Delores Holloway, by and through undersigned counsel, respectfully moves this Honorable Court for permission to serve and file her Memorandum Regarding Appealability outside the deadline set forth in the Court's January 14, 2026, correspondence. In support of this Motion, Respondent states as follows:

1. On January 14, 2026, this Court issued a letter directing that counsel "serve and file memoranda addressing the issue of appealability within ten (10) days of the date of this letter."

2. Undersigned counsel mistakenly interpreted the January 14, 2026, letter as directing the Appellant, as the party invoking appellate jurisdiction, to submit a memorandum addressing appealability.

3. Counsel did not appreciate that the directive required Respondent to independently file a memorandum within the same ten-day period.

4. On February 4, 2026, the Clerk of Court issued a letter advising that Respondent's time for serving and filing the appealability memorandum had expired and directing Respondent to file both the memorandum and a motion requesting permission to file outside the deadline within ten (10) days.

5. Upon receipt of the February 4 letter, undersigned counsel prepared the required appealability memorandum and this Motion.

6. The failure to timely file the memorandum was not intentional, strategic, or made in disregard of this Court's authority. It resulted solely from counsel's mistaken interpretation of the January 14 directive.

7. No prejudice will result to Appellant from permitting Respondent's memorandum to be filed. The appeal remains under jurisdictional review, and the Court has held the time for perfecting the appeal in abeyance pending consideration of the memoranda.

8. Respondent respectfully submits that the interests of justice are best served by allowing the Court to consider the appealability issue on full briefing from both parties.

WHEREFORE, Respondent respectfully requests that this Court grant leave for Respondent to serve and file her Memorandum Regarding Appealability out of time and consider the memorandum in its review of the appealability issue.

Respectfully submitted,

THE LAW OFFICE OF TOYYA BRAWLEY GRAY, LLC

/s/ Toyya Brawley-Gray

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Attorney for Respondent Delores Holloway

February 14, 2026
Columbia, South Carolina

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PROOF OF SERVICE

Pursuant to Rule 262(c)(3), SCACR, and Order No. 2024-04-24-01(d), I certify that a true and correct copy of Motion For Leave To File Memorandum Regarding Appealability Of Interlocutory Order Out Of Time was served upon Appellant, through Appellant’s counsel of record, by electronic mail transmission to counsel’s primary email addresses as listed in the Attorney Information System on February 14, 2026, as follows:

Nicolas C.C. Stewart at *nstewart@burr.com* and

Shelby H. Pasquini at *spasquini@burr.com*

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February 14, 2026

Columbia, South Carolina