

CASE 74

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SC Court of Appeals

AMENDED NOTICE OF APPEAL

CASE 74

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FEB 18 2026

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

SC Court of Appeals

APPEAL FROM THE CIRCUIT COURT COUNTY OF FAIRFIELD
Court of Common Pleas

Hon, Brian M. Gibbons Magistrate Judge

Circuit Court Appellate Case No. 2025CP2000274

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

v.

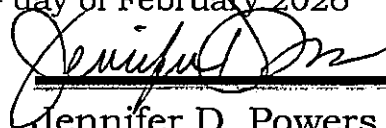
The Hon. Bradley Caulder as an individual, Law Office of Barbara E.
Brunson, as guardian ad litem for Robert Edward Powers, Jr.,
Barbara Brunson, individual, Family Services, Inc., d/b/a Origin
SC, as Conservator for Robert E. Powers, Jr., Caprice Atterbury, as
an individual, Traci Strickland, as an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

Submitted: February 6, 2026 Decided: January 30, 2026,

AMENDED NOTICE OF APPEAL

Jennifer D. Powers, Pro Se litigant, appeals the order judgment of the Hon, Brian
M. Gibbons Magistrate Judge, dated January 30, 2026. Appellant received a
written notice of entry of this order judgment on January 31, 2026. A copy of the
Order is attached to this Amended Notice of Appeal. From Fairfield County Public
Index on January 31, 2026

Respectfully submitted on this 17th day of February 2026



Jennifer D. Powers
708 Chester Street
Columbia, South Carolina 29201
(803)381-1031
Jdpowers1031@yahoo.com
Appellent Pro Se litigants

Other Counsel of Record:

CERTIFICATE OF SERVICES

UNDER PENALTY OF PERJURY, I, JENNIFER D. POWERS
HEREBY CERTIFY that a copy of the foregoing documents listed
below have been filed in the AMENDED NOTICE OF APPEAL, On
Defendants Wednesday, February 18, 2026, was served by Certified
Registered Letter on February 18, 2026 to the below listed parties:

The Hon. Brian M. Gibbons
140 Main St.
Chester, SC 29706
Office: (803) 581-4115
Fax: (803) 581-3253
bgibbonssc@sccourts.org

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SC Court of Appeals

The Hon. Dorothy Boyd Belton
Fairfield County Clerk of Court
PO Drawer 299
Winnsboro, SC 29180-0299

Brian Dumas, Attorney LLC
718 Clemson Road
Columbia, SC 29229
Office: (803) 699-4996
Fax: (803) 699-4995
brian@briandumasattorney.com

Mr. Brandon Keith Poston
Bar Number: 78397
County: Richland
U.S. Department of Justice
1835 Assembly Street
Suite 953
Columbia, SC 29201
Office: (803) 765-5218
keith.poston@usdoj.gov

Ms. Barbara Ellen Brunson
Bar Number: 12940
County: Richland

Law Office of Barbara E. Brunson

3614 Landmark Drive, Suite B

Columbia, SC 29204

Office: (803) 799-0425

barbara@brunsonlawsc.com

Family Services, Inc. DBA Origin SC

ATTN: Mrs. Caprice Atterbury, CEO

ATTN: Ms. Tracy Strickland, Director

8084 Rivers Ave. Suite 100

N. Charleston, SC 29410 USA

Phone: 843.628.3000

Fax: 843.574.8598

The Hon. Bradley Caulder

Probate Court Judge, Fairfield County.

260 Bratton St

Winnsboro, SC 29180

Office: (803) 712-6519 Ext: 0000

Fax: (803) 712-6939

Leslie P. Taylor

831 Williams Circle

West Columbia,

South Carolina 29172

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Matt Abee

Matthew A. Abee, SC Bar No. 101100

E-Mail: matt.abee@nelsonmullins.com

Connor T. Jasso, SC Bar No. 105190

E-Mail: connor.jasso@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, South Carolina 29201

803.799.2000

Attorneys for Keith Poston

GALLIVAN WHITE & BOYD P.A.

John E. Cuttino (SC Bar 1519).

1201 Main Street – Suite 1200

Columbia, SC 29201

(803)724-1714

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,)

Defendants/Respondents.)

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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), SCRCP, 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.

B



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 *28*, 2026



Fairfield Common Pleas

Case Caption: Jennifer D Powers , plaintiff, et al VS The Hon. Bradley Caulder ,
defendant, et al
Case Number: 2025CP2000274
Type: Order/Form 4

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge

Electronically signed on 2026-01-29 15:56:00 page 7 of 7

EXHIBIT-B

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SC Court of Appeals



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SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 9, 2026

Jennifer D. Powers
708 Chester St.
Columbia SC 29201

Re: Estate of Robert E. Powers Jr. v. The Hon. Bradley Caulder
Appellate Case No. 2026-000263

Dear Ms. Powers:

The Court received multiple notices of appeal in this case. The notices of appeal have been consolidated for consideration by the Court, and we anticipate receiving one record on appeal. The times for perfecting the appeal will run from the date of service of the last notice of appeal.

The title in this matter has been changed to read as follows:

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

v.

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 Robert E. Powers, Jr., Leslie P. Taylor, individual, Attorney Brian Dumas, individual,

and Attorney Brandon Keith Poston, individual, Respondents.

All future filings should be changed to reflect this title. If you have any questions, please do not hesitate to contact the Clerk's office.

Very truly yours,


CLERK

cc: Gray Thomas Culbreath, Esquire
John Edward Cuttino, Esquire
Matthew A. Abee, Esquire
Connor Taylor Jasso, Esquire
Family Services, Inc.
Caprice Atterbury
Traci Strickland
Leslie P. Taylor
Brian Dumas, Esquire
The Honorable Bradley Caulder

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Hon, Brian M. Gibbons Magistrate Judge

Circuit Court Appellate Case No. 2025CP2000274

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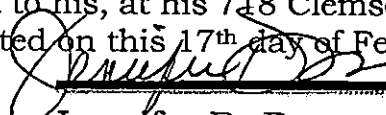
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Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on Brian Dumas, Attorney LLC 718 Clemson Road Columbia, SC 29229 by depositing a copy of it in the United States Mail, postage prepaid, on February 17th, 2026, address Brian Dumas, Attorney LLC 718 Clemson Road Columbia, SC 29229 by delivering a copy of it to his, at his 718 Clemson Road Columbia, SC 29229
•Respectfully submitted on this 17th day of February 2026



Jennifer D. Powers
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(803)381-1031
Jdpowers1031@yahoo.com
Appellent Pro Se litigants

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Guardian for Robert E. Powers, Jr., Leslie P. Taylor, individual,
Attorney Brian Dumas, individual, and Attorney Brandon Keith
Poston, individual.....Respondents.

Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on Mr. Brandon
Keith Poston, Attorney LLC 1835 Assembly Street Suite 953 Columbia, SC
29201 by depositing a copy of it in the United States Mail, postage prepaid, on
Wednesday, February 17th, 2026, address Brandon Keith Poston, Attorney LLC
1835 Assembly Street Suite 953 Columbia, SC 29201 by delivering a copy of it to
his, at his 1835 Assembly Street Suite 953 Columbia, SC 29201

•Respectfully submitted on this 17th day of February 2026


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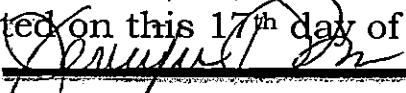
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Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on Law Office of Barbara E. Brunson 3614 Landmark Drive, Suite B Columbia, SC 29204 by Depositing a copy of it in the United States Mail, postage prepaid, on February 17th, 2026, address Law Office of Barbara E. Brunson 3614 Landmark Drive, Suite B Columbia, SC 29204 by delivering a copy of it to her, at her 3614 Landmark Drive, Suite B Columbia, SC 29204

•Respectfully submitted on this 17th day of February 2026



Jennifer D. Powers
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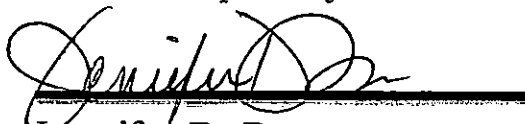
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SC, as Conservator for Robert E. Powers, Jr., Caprice Atterbury, as
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Attorney Brian Dumas, individual, and Attorney Brandon Keith
Poston, individual..... Respondents.

Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on Family Services, Inc.
DBA Origin SC ATTN: Mrs. Caprice Atterbury, CEO ATTN: Ms. Tracy Strickland,
Director 8084 Rivers Ave. Suite 100 N. Charleston, SC 29410 USA, by depositing a copy
of it in the United States Mail, postage prepaid, on February 17th, 2026, address Family
Services, Inc by personally delivering a copy of it to her, at her 8084 Rivers Ave. Suite
100 N. Charleston, SC 29410 USA •Respectfully submitted on this 17th day of February
2026



Jennifer D. Powers
708 Chester Street
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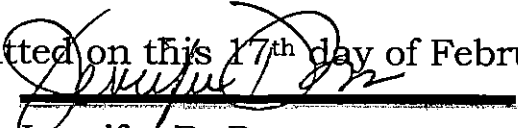
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Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on The Hon. Bradley Caulder Probate Court Judge, Fairfield County.260 Bratton St Winnsboro, SC 29180 by depositing a copy of it in the United States Mail, postage prepaid, on February 17th, 2026, address Hon. Bradley Caulder Probate Court Judge, Fairfield County.260 Bratton St Winnsboro, SC 29180 by personally delivering a copy of it to his, at his 260 Bratton St Winnsboro, SC 29180

•Respectfully submitted on this 17th day of February 2026



Jennifer D. Powers
708 Chester Street
Columbia, South Carolina 29201
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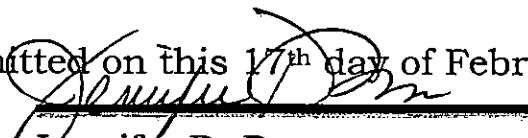
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Poston, individual.....Respondents.

Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on Leslie P. Taylor
831 Williams Circle West Columbia, South Carolina 29172 by depositing a copy
of it in the United States Mail, postage prepaid, on February 17th, 2026, address
Leslie P. Taylor 831 Williams Circle West Columbia, South Carolina 29172 by
delivering a copy of it to her, at her 831 Williams Circle West Columbia, South
Carolina 29172

•Respectfully submitted on this 17th day of February 2026



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708 Chester Street
Columbia, South Carolina 29201
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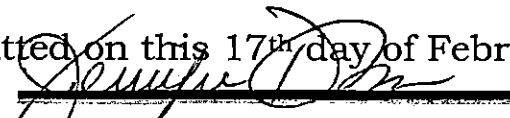
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Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on Leslie P. Taylor
831 Williams Circle West Columbia, South Carolina 29172 by depositing a copy
of it in the United States Mail, postage prepaid, on February 17th, 2026, address
Leslie P. Taylor 831 Williams Circle West Columbia, South Carolina 29172 by
delivering a copy of it to her, at her 831 Williams Circle West Columbia, South
Carolina 29172

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Jennifer D. Powers
708 Chester Street
Columbia, South Carolina 29201
(803)381-1031
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THE STATE OF SOUTH CAROLINA SC Court of Appeals
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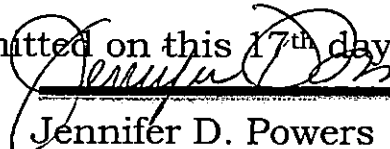
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Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on The Hon. Brian M. Gibbons 140 Main St. Chester, SC 29706, by depositing a copy of it in the United States Mail, postage prepaid, on February 17th, 2026, address The Hon. Brian M. Gibbons 140 Main St. Chester, SC 29706 by personally delivering a copy of it to her, at her 140 Main St. Chester, SC 29706

•Respectfully submitted on this 17th day of February 2026


Jennifer D. Powers

708 Chester Street
Columbia, South Carolina 29201
(803)381-1031
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Appellent Pro Se litigants

RECEIVED

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

FEB 18 2026

SC Court of Appeals

APPEAL FROM THE CIRCUIT COURT COUNTY OF FAIRFIELD
Court of Common Pleas

Hon, Brian M. Gibbons Magistrate Judge

Circuit Court Appellate Case No. 2025CP2000274

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

v.

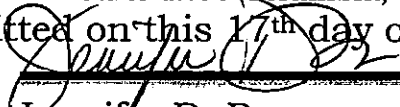
The Hon. Bradley Caulder as an individual, Law Office of Barbara E. Brunson, as guardian ad litem for Robert Edward Powers, Jr., Barbara Brunson, individual, Family Services, Inc., d/b/a Origin SC, as Conservator for Robert E. Powers, Jr., Caprice Atterbury, as an individual, Traci Strickland, as an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

Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the AMENDED NOTICE OF APPEAL, on GALLIVAN WHITE & BOYD P.A. John E. Cuttino (SC Bar 1519). 1201 Main Street – Suite 1200 Columbia, SC 29201 by depositing a copy of it in the United States Mail, postage prepaid, on February 17th, 2026, address GALLIVAN WHITE & BOYD P.A. John E. Cuttino (SC Bar 1519). 1201 Main Street – Suite 1200 Columbia, SC 29201 by personally delivering a copy of it to their, at 1201 Main Street – Suite 1200 Columbia, SC 29201

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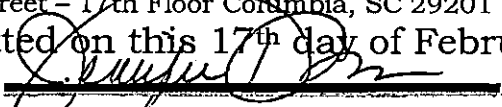
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Submitted: February 6, 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the NOTICE OF APPEAL, on Nelson Mullins Riley & Scarborough 1320 Main Street 17th Floor Columbia, SC 29201. Mr. Matthew A. Abee (SC Bar 101100). Mr. Connor Taylor Jasso (SC Bar 105190). 1320 Main Street 17th Floor Columbia, SC 29201. by depositing a copy of it in the United States Mail, postage prepaid, on February 17th, 2026, address Nelson Mullins Riley & Scarborough 1320 Main Street 17th Floor Columbia, SC 29201. Mr. Matthew A. Abee (SC Bar 101100). Mr. Connor Taylor Jasso (SC Bar 105190). by personally delivering a copy of it to their, at 1320 Main Street - 17th Floor Columbia, SC 29201

•Respectfully submitted on this 17th day of February 2026


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