

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
Martha M. Rivers, Circuit Court Judge

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SC Court of Appeals

Case No. 2023-CP-41-00232

Sandra Holmwood and Hugh Price.....Appellants,

v.

Lisa Molstad.....Respondent

APPELLANTS' REQUEST FOR EXPEDITED RULING
ON MOTION TO STRIKE FORMER COUNSEL'S BRIEF

**APPELLANTS' REQUEST FOR EXPEDITED RULING
ON MOTION TO STRIKE FORMER COUNSEL'S BRIEF**

Appellants, Sandra Holmwood and Hugh Price, appearing pro se, respectfully request that the Court issue an expedited ruling on Appellants' Motion to Strike Former Counsel's Brief, filed December 16, 2025. In support of this request, Appellants state as follows:

PROCEDURAL BACKGROUND

1. On December 16, 2025, Appellants filed a Motion to Strike Former Counsel's Brief, together with a supporting memorandum of law and affidavits establishing the factual basis for the motion.
2. The motion seeks to: (1) strike the initial brief filed by former counsel Rolf Baghdady on December 8, 2025, as unauthorized; (2) confirm Appellants' pro se initial brief, also filed on December 8, 2025, as the operative brief for all purposes in this appeal; (3) grant Appellants leave to appear pro se nunc pro tunc to the date of filing said brief; and (4) grant any necessary schedule adjustments.
3. Under Rule 240(e), SCACR, an opposing party has ten days from service to file a return to a motion. Respondent's deadline to file a return was approximately December 26, 2025.
4. **Respondent filed no return.** To date—over five weeks after Appellants filed the Motion to Strike—Respondent has neither opposed the motion nor indicated support for it.
5. On January 23, 2026, Respondent filed a Motion to Continue to Hold Appeal in Abeyance and for Extension of Respondent's Initial Filing Deadline. That motion explicitly seeks to delay briefing until the Court rules on Appellants' Motion to Strike, citing alleged "confusion" about which brief is operative.

6. Appellants have filed an opposition to Respondent's motion, contending that the proper remedy for the alleged confusion is an expedited ruling on the Motion to Strike, not indefinite continuance.

GROUNDS FOR EXPEDITED RULING

A. The Motion Presents a Straightforward Legal Issue

The Motion to Strike presents a clear-cut legal issue requiring no extended deliberation:

Can an attorney who has agreed to withdraw, informed the client that no further work will be performed, filed a motion to withdraw, and whose client has already filed a pro se brief, thereafter file a substantive brief purporting to represent the client?

The facts are undisputed and established by affidavit:

- Former counsel agreed with Appellants that he would withdraw from representing them
- Former counsel informed Appellants he would perform no further work on the appeal
- Former counsel filed a Consent Motion to Withdraw on November 28, 2025
- Appellants filed a comprehensive pro se brief on December 8, 2025
- After all of the above, former counsel filed a separate brief on December 8, 2025
- The Court granted the motion to withdraw on December 11, 2025

The governing law is well-established:

- *Ex parte J.P. Strom, Jr.*, 341 S.C. 63, 533 S.E.2d 242 (2000): attorneys must give unequivocal notice of withdrawal
- *Culbertson v. Clemens*, 322 S.C. 20, 471 S.E.2d 163 (1996): strict compliance with withdrawal procedures required
- Rule 1.2(a), RPC (Rule 407, SCACR): client controls objectives of representation

- Rule 1.16(c)-(d), RPC: attorney's duties upon termination of representation

The application of these principles to the undisputed facts is straightforward. No complex legal analysis, extended research, or further briefing is required.

B. The Motion is Unopposed

Respondent has not filed a return opposing the motion, despite having over five weeks to do so.

Under these circumstances, the Court may treat the motion as unopposed and grant it summarily.

See Rule 240, SCACR (governing motion practice).

Respondent's failure to oppose the motion—combined with Respondent's acknowledgment in the recent Motion to Continue that there is "confusion" about which brief is operative—suggests that Respondent recognizes the merit of Appellants' position but prefers procedural delay to resolution on the merits.

C. The Procedural Posture of the Appeal Cannot be Resolved Until the Court Rules

The current procedural confusion—which Respondent invokes as justification for delaying briefing—exists only because the Court has not yet ruled on the Motion to Strike. Until the Court decides which brief is operative, the briefing schedule cannot be definitively established.

This creates uncertainty for all parties and the Court:

- Which brief triggers Respondent's deadline to file a responsive brief?
- Which statement of issues controls for purposes of appellate review?
- Which legal arguments are properly before the Court?
- Does Respondent have an obligation to respond to one brief or both?

An expedited ruling on the Motion to Strike will immediately resolve all of these questions and allow the appeal to proceed in an orderly fashion.

D. Further Delay Prejudices Appellants

Appellants are prejudiced by every day of delay in the resolution of this appeal. Appellants filed a comprehensive pro se initial brief on December 8, 2025—over six weeks ago—and have been ready to proceed since that date.

The underlying trial court order remains in effect while this appeal pends, causing continuing harm to Appellants.

Appellants should not be penalized for their former attorney's unauthorized filing or for Respondent's strategic decision not to oppose the Motion to Strike. Every day of delay denies Appellants their right to timely appellate review.

E. Expedited Ruling Serves Judicial Efficiency

An expedited ruling will:

- Resolve the procedural confusion that currently exists
- Eliminate the need for further motions regarding briefing schedules
- Allow the Court to establish a definite briefing timeline
- Move this appeal, which has been pending since August 11, 2025, toward resolution

The alternative—allowing the Motion to Strike to languish while Respondent seeks indefinite continuances—serves no legitimate purpose and wastes judicial resources.

RULE 240(H) AUTHORIZES THE COURT TO DECIDE THE MOTION WITHOUT ORAL ARGUMENT

Rule 240(h), SCACR, provides that "[t]he court may decide motions without oral argument unless otherwise required by law or these rules or unless the court orders oral argument."

Given that the Motion to Strike presents a straightforward legal issue based on undisputed facts and established law, and given that Respondent has not opposed the motion, oral argument is unnecessary. The Court may decide the motion on the papers submitted.

However, if the Court desires oral argument or has questions, Appellants are available for telephonic or in-person argument on reasonable notice.

REQUESTED RELIEF

WHEREFORE, Appellants respectfully request that the Court:

1. Issue a ruling on Appellants' Motion to Strike Former Counsel's Brief **on or before February 27, 2026** (fourteen days from the filing of this request);
2. Upon ruling on the Motion to Strike, establish a definite briefing schedule for the remainder of this appeal; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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Dated: February 13, 2026

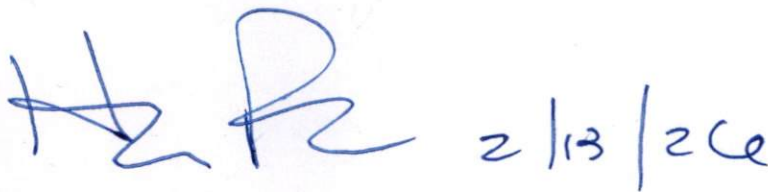
2/13/26

CERTIFICATE OF SERVICE

I certify that on this 13th day of February 2026, a true and correct copy of the foregoing Initial Brief of Appellants was served upon opposing counsel by U.S. Mail, first-class postage prepaid, addressed as follows:

Christian G. Spradley
Moore Bradley Myers, PA
110 S. Main St.
Saluda, SC 29138
Attorney for Respondent Lisa Molstad

/s/ Sandra Holmwood, pro se
/s/ Hugh Price, pro se

Handwritten signature in blue ink, followed by the date "2/13/26".

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