

From: [Tony Williams](#)
To: [Court Of Appeals Filings](#)
Cc: [Melling, Andrew](#)
Subject: REINSTATE APPEAL SUPPLEMENTAL AND NOTICE OF CONFLICT OF INTEREST
Date: Friday, February 27, 2026 9:52:12 AM

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

TONY WILLIAMS, Appellant,

v.

LOWE'S HOME CENTERS, LLC and ANDREW MELLING, Respondents.

Appellate Case No. 2026-000079

(Trial Court Case No. 2025-CP-07-01666)

**MOTION TO REINSTATE APPEAL AND SUPPLEMENTAL NOTICE
OF CONFLICT OF INTEREST**

COMES NOW the Appellant, Tony Williams, Pro Se, and moves to reinstate this appeal pursuant to **Rule 260, SCACR**, having demonstrated "good cause" that the dismissal for lack of a transcript was legally and clerically erroneous. As supported by *Germain v. Nichol* and *Chewning v. Ford Motor Co.*, a transcript is not required where the appeal presents a pure question of law, alleges extrinsic fraud, or challenges a judgment rendered without a hearing.

I. MEMORANDUM IN SUPPORT OF REINSTATEMENT

1. The "Waiver" by Silence (Rule 207(a)(2), SCACR)

The Respondent, Melling, waived the right to demand a transcript by failing to object to the Appellant's "No Transcript" certification.

- **The Law:** Rule 207(a)(2), SCACR affirmatively shifts the burden to the Respondent to designate additional parts of the proceedings if they believe the Appellant's designation is insufficient.
- **Application:** The Appellant certified on **January 8, 2026**, that no transcript was necessary. As evidenced by the **C-Track Docket (Entry 01/08/2026)**, this certification was timely filed and served. Melling remained silent for over 50 days.
- **Legal Consequence:** By failing to designate a transcript within the strict 10-day window, the Respondent effectively stipulated that the Clerk's Record is sufficient for review.

2. The "Physical Impossibility" Argument

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SC Court of Appeals

This Court cannot require the Appellant to perform an impossible act.

- **Forensic Fact:** The Respondents are in **Certified Entry of Default**. No hearing occurred on December 15th or 17th, and no court reporter was present.
- **Case Law:** In *Germain v. Nichol*, 278 S.C. 508 (1982), the S.C. Supreme Court recognized that where a case is decided on the pleadings (such as a demurrer or default challenge), a transcript of testimony is **not required** because the error is one of law, not fact.
- **Argument:** Compelling a transcript for a non-existent hearing violates the legal maxim *lex non cogit ad impossibilia* (the law does not compel the impossible).

3. The "Ghost Order": Void for Lack of Entry (Rule 6(a), SCEF)

The dismissal validates an order that is administratively void on its face.

- **The Violation:** The "12/17 Order" lacks the mandatory **4-digit Judicial Identification Code (JIC)** required for electronic signatures.
- **The Authority:** Rule 6(a) of the S.C. Electronic Filing Policies mandates that an electronic signature "shall include the individual judge's code."
- **Jurisdictional Impact:** Under Rule 58, SCRCF, a judgment is not effective until properly entered. An order missing these authentication markers lacks the "indicia of reliability" to be a valid judicial act.

4. Extrinsic Fraud: The "1995 DOB" Issue

The core of this appeal involves **Extrinsic Fraud**, which does not require trial testimony.

- **Case Law:** *Chewning v. Ford Motor Co.*, 354 S.C. 72 (2003); *Gainey v. Gainey*, 382 S.C. 414 (Ct. App. 2009).
- **Application:** The 12/17 Order relies on a criminal record for a stranger with a **1995 Date of Birth** to justify a dismissal against the Appellant. Forensic comparison of the record (Rule 210, SCACR) is sufficient to prove this document-based fraud.

II. SUPPLEMENTAL NOTICE OF CONFLICT OF INTEREST AND INCAPACITY OF COUNSEL

1. THE CONFLICT: RULE 1.7, RPC

Respondent Andrew Melling is attempting to represent both himself (as a named Respondent) and Lowe's Home Centers, LLC. Under **Rule 1.7, RPC**, a conflict exists if there is a significant risk that the representation will be materially limited by a personal interest of the lawyer. Melling's personal interest in avoiding liability for **Extrinsic Fraud** and the **missing JIC code** is in direct conflict with Lowe's interest in resolving its **\$30,000,000.00 Default**.

2. THE "LAWYER AS WITNESS" RULE: RULE 3.7, RPC

Because the appeal involves a "Ghost Order" allegedly filed by Melling, he is a **necessary witness** to the forensic facts. Under *Harris v. State*, 389 S.C. 663 (Ct. App. 2010), a lawyer must be disqualified if they are a necessary witness to a contested issue.

3. IMPACT ON THE TRANSCRIPT ISSUE

Melling's incapacity explains the current procedural deadlock. He failed to object to the January 8th Statement of No Transcript because he could not do so without admitting he filed an order without a hearing. He allowed a clerical dismissal to occur to protect his own standing at the expense of his client.

CONCLUSION

The Appellant has shown "good cause" for reinstatement under Rule 260, SCACR. The dismissal was a clerical error that overlooked the Appellant's **January 8, 2026** filing. Furthermore, the Court should ensure that the \$30 Million liability against Lowe's is not being managed by a conflicted attorney attempting to hide forensic defaults.

s/ **Tony Williams** Appellant Pro Se

Dated: February 27, 2026

On Thu, Feb 26, 2026, 17:24 Tony Williams <twtony6371@gmail.com> wrote:

THE SOUTH CAROLINA COURT OF APPEALS

Tony Williams, Appellant,

v.

Lowe's Home Centers, LLC and Andrew Melling, Respondents.

Appellate Case No. 2026-000079

(Trial Court Case No. 2025-CP-07-01666)

APPELLANT'S EMERGENCY MOTION TO VACATE DISMISSAL AND REINSTATE APPEAL

COMES NOW the Appellant, Tony Williams, Pro Se, and respectfully moves this Court to vacate its Order of Dismissal dated February 26, 2026, and to reinstate the above-captioned appeal. In support of this motion, Appellant shows the Court:

1. COMPLIANCE WITH RULE 207, SCACR

On January 8, 2026, Appellant served a "**Statement of No Transcript**" via Certified Mail upon Respondents' Counsel and the Court Reporter. This document was included in the initial filing package received by this Court on January 12, 2026. Appellant's Statement explicitly certified that no transcript was necessary because the issues on appeal are "**purely legal and procedural.**"

2. THE DEFAULT STATUS OF RESPONDENTS

As noted in the Notice of Appeal, Respondents are in a state of **Certified Entry of Default**. The order being appealed (dated 12/17/25) was entered without a hearing, following a

period where Respondents were "mute" under *Stono River Constr. Co. v. Hill*, 306 S.C. 170 (1991). Because no hearing occurred, **no transcript exists**. Dismissal for failure to order a non-existent transcript is a clerical error.

3. EXTRINSIC FRAUD IN THE RECORD

The underlying Order of Dismissal relies upon **Extrinsic Fraud**, specifically a criminal history report belonging to a stranger with a **1995 Date of Birth**, which was used to prejudice the record against the Appellant. Under *Hagy v. Pruitt*, 339 S.C. 425 (2000), such fraud voids the proceedings and requires appellate review to preserve the integrity of the judiciary.

4. BAD FAITH BY RESPONDENTS

Counsel for Respondents, Andrew Melling, received the "Statement of No Transcript" on January 8, 2026. Counsel's silence while this Court issued a transcript-related dismissal is a violation of the **Duty of Candor** (Rule 3.3, RPC), intended to facilitate a "Shadow Docket" victory in related Trial Court matter 2023-CP-07-01623.

CASELAW SUPPORT FOR REINSTATEMENT

- **Standard for Reinstatement:** Under **Rule 221(c), SCACR**, this Court has the authority to reinstate an appeal for "good cause shown." A clerical error regarding a transcript that is not required for a default matter constitutes an absolute ground for reinstatement.
- **Default Standing:** Under *Stono River*, a defaulted party has no right to participate in the merits. It is an error of law to dismiss an appeal based on the procedural needs of a defaulted Respondent.
- **Pro Se Leniency:** While *pro se* litigants must follow rules, South Carolina courts recognize that "technicalities should not defeat justice." *State v. Burton*, 356 S.C. 259 (2003).

WHEREFORE, Appellant respectfully requests that this Court vacate the Dismissal, Reinstatement the Appeal, and issue a Stay of all related lower court proceedings pending the resolution of this jurisdictional challenge.

s/ **Tony Williams**

Appellant Pro Se

Dated: February 27, 2026