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Feb 24 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
In the Court of Common Pleas

Appellate Case No.: 2025-001824

Myra N. Starnes,

Appellant,

vs.

South Carolina Department of Transportation,

Respondent.

**RESPONDENT’S OPPOSITION TO APPELLANT’S JANUARY 9, 2026 MOTION FOR
EXTENSION OF TIME AND RESPONDENT’S MOTION TO DISMISS**

Respondent South Carolina Department of Transportation (“Respondent” or “SCDOT”) hereby opposes, by and through its undersigned counsel, Appellant’s Motion for Extension of Time. Further, Respondent hereby moves for an Order dismissing the Appellant’s Notice of Appeal.

WHEREAS Appellant filed Notices of Appeal¹ on or around September 10, 2025 appealing Judge Hyman’s Order denying Landowner/Appellant’s Motion for New Trial;

WHEREAS, by correspondence dated September 12, 2025, Appellant’s then counsel, Desa Ballard, Esq., indicated that a copy of the transcript for this appeal was received on

¹ Notices were filed in connection with Circuit Court Case numbers 2022-CP-26-07964; -07404; -07408; and -07454. The four circuit court cases were consolidated for the purpose of trial.

September 12, 2025 and calculated an Initial Brief of Appellant and Designation of Matter deadline of October 13, 2025;

WHEREAS Appellant's Counsel of Record filed a Motion to Be Relieved as Counsel on or around September 12, 2025, and was so relieved by Court Order on or around October 9, 2025;

WHEREAS, pursuant to the October 9, 2025 Order, this appeal was held in abeyance for 30 days to allow Appellant an opportunity to obtain new counsel;

WHEREAS, on or around November 10, 2025, Appellant filed a Motion for Extension of Time for 60 days, indicating that Appellant was seeking new counsel and that "additional time [was] necessary to allow the new attorney adequate opportunity to review the record and prepare the required filings;"

WHEREAS, by Court Order dated November 19, 2025, this appeal continued to be held in abeyance for an additional 60 days from November 19, 2025;²

WHEREAS on or around January 9, 2026, Appellant filed a second Motion for Extension of Time; significantly, Appellant's January 9, 2026 Motion failed to include a new reason as to why the Court should grant the Appellant additional time to serve and file its Initial Brief of Appellant and Designation of Matter;

WHEREAS the Appellant has failed to establish an extraordinary circumstance for which this Court should grant a second extension of time;

WHEREAS the Court has not issued an Order granting or denying Appellant's January 9, 2026 Motion for Extension of Time; however, Appellant still has not filed its Initial Brief of Appellant and Designation of Matter;

² "If an attorney licensed to practice law has not made an appearance on behalf of the appellant within sixty (60) days, this Court will presume the appellant to be proceeding pro se. *No further extensions will be granted absent extraordinary circumstances*" (emphasis added).

WHEREAS, as of the date of this Motion, the original deadline for the Initial Brief of Appellant and Designation of Matter was almost five (5) months ago; furthermore, the extension this Court did grant by its November 19, 2025 Order lapsed over a month ago and Appellant has not been granted an additional extension;

For the reasons herein, Respondent respectfully requests an Order from this Court denying Appellant's January 9, 2026 Motion for Extension of Time and dismissing Appellant's appeal with prejudice for failure to progress this appeal.

PAGLIARINI LAW FIRM, LLC

s/Julia Anne E. McKeachie

David G. Pagliarini, Esq.

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Charleston, South Carolina

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CERTIFICATE OF SERVICE

I, Lauryn McCloud, the undersigned Legal Assistant of Pagliarini Law Firm, LLC, attorneys for Condemnor, South Carolina Department of Transportation, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by U.S. certified mail return receipt requested and emailing the same to the following address(es):

Pleadings: **RESPONDENT'S OPPOSITION TO APPELLANT'S MOTION
FOR EXTENSION OF TIME AND RESPONDENT'S MOTION TO
DISMISS**

Parties Served: **Via Electronic Mail and U.S. Certified Mail**
Myra N. Starnes
PO Box 332
Myrtle Beach, SC 29577
mstarnes@leisuretimeunlimited.com

Appellant



Lauryn McCloud

Charleston, South Carolina
February 24, 2026

PAGLIARINI LAW FIRM, LLC

ATTORNEYS AT LAW

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February 24, 2026

Via U.S Mail and Electronic Mail: ctappfilings@sccourts.org

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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SC Court of Appeals

Re: South Carolina Department of Transportation v. Myra N. Starnes
Appellate Case No.: 2025-001824

Dear Ms. Kitchings:

Enclosed please find Respondent's Opposition to Appellant's Motion for Extension of Time and Respondent's Motion to Dismiss for electronic filing. Additionally enclosed via U.S. Mail, please find our firm's check in the amount of \$50.00 as the required filing fee.

By copy of this letter to the Horry County Clerk of Court and pro se Appellant, Myra N. Starnes, we are serving them with a copy of this notice.

If you have any questions regarding the enclosed, please do not hesitate to contact our office.

Sincerely,



Julia Anne McKeachie

JAM/lm

Enclosures (*Respondent's Opposition to Appellant's Motion for Extension of Time and Respondent's Motion to Dismiss*)

cc: Renee N. Elvis, Horry County Clerk of Court (*via SC Courts e-filing system*)
Myra N. Starnes (*via Certified Mail and electronic mail*)