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Mar 10 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Deborah Brooks Durden, Administrative Law Judge

Case No.: 21-ALJ-22-0047-AP

Appellate Case No. 2024-001795

James M. Harley, Appellant,

v.

South Carolina Department of Employment
and Workforce and Bradshaw Automotive Group, Inc., Respondents.

**Joint Return in Opposition to Appellant's Motion to File
Amended Initial Brief of Appellant and Designation of Matter**

Respondents South Carolina Department of Employment and Workforce (the Department) and Bradshaw Automotive Group, Inc. (Bradshaw) file this return in opposition to Appellant's Motion to File Amended Initial Brief of Appellant and Designation of Matter, and in support thereof respectfully shows:

Under Rule 208, SCACR, an initial appellant brief is due within thirty days after serving the initial notice of appeal. Appellant's Initial Notice of Appeal was served upon Respondents on October 21, 2024. As such, under Rule 208, the initial brief of Appellant had an initial deadline of November 20, 2024. Multiple requests for extension were made by Appellant, and were granted by this Court, until it issued a final order granting extension on July 31, 2025, whereby this Court stated "[t]he time for serving and filing initial brief of appellant and designation of matter is hereby

extended until August 11, 2025. *No further extensions will be granted absent extraordinary circumstances.*” (emphasis added). Appellant now files a motion to amend, effectively resetting the clock back seven months, requesting yet another extension, on the grounds that Appellant has newly retained counsel.

Prior to filing his initial brief, Appellant had approximately nine months¹ to retain counsel and instead opted to proceed *pro se*. Appellant’s former *pro se* status does not relieve Appellant from any alleged defects newly retained counsel vaguely asserts to warrant amendment of the initial brief and designation of matter and a change in representation does not entitle a party to disregard deadlines. *See State v. Burton*, 589 S.E.2d 6, 9, n. 5 (S.C. 2003) (“[a] *pro se* litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.”). The fact that Appellant has now retained counsel does not constitute good cause to restart the briefing process.

Respondents have been forced to litigate this appeal under repeated delays and extensions. We are now more than fifteen (15) months beyond the original deadline for Appellant’s Initial Brief. Allowing Appellant to amend the Initial Brief at this state would further prolong the proceedings, effectively run contrary to this Court’s order on July 31, 2025 that no further extensions would be granted for filing the initial brief and designation of matter, and would prejudice Respondents’ interest in the timely resolution of the case.

Respondents move this Court dismiss Appellant’s appeal under Respondents’ previously filed Joint Motion to Dismiss. If this Court declines to dismiss Appellant’s appeal, Respondents respectfully request that the Court deny the Motion to File Amended Initial Brief of Appellant and

¹ This includes the 90 days provided by the Court’s January 13, 2025 Order, which specifically held Appellant’s appeal in abeyance to provide time for Appellant to seek new counsel.

Designation of Matter and direct Appellant to proceed under the Initial Brief already filed. Respondents further request that the Court order Appellant to promptly file the Record on Appeal so that this matter may proceed, and for such other and further relief as the Court deems just and proper.

Respectfully Submitted,

s/ Valerie McMellan
Valerie McMellan (SC Bar # 101080)
SC Department of Employment and Workforce
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*Attorney for Respondent SC Department of
Employment and Workforce*

s/ Sarah M. Gable
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*Attorney for Respondent Bradshaw Automotive Group,
Inc.*

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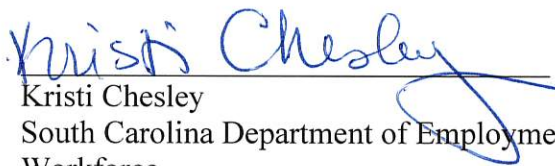
PROOF OF SERVICE

I certify that I have served the Joint Return in Opposition to Appellant's Motion to File Amended Initial Brief of Appellant and Designation of Matter on the parties in this case by mail on March 10, 2026, addressed to the parties at their addresses of record:

James M. Harley
238 Woods Rd
Greer SC 29650

Via email only
Sarah Gable, Esq.
Ogletree Deakins
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March 10, 2026



Kristi Chesley
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SC Court of Appeals

By Email at ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: James M. Harley v. South Carolina Department of Employment and
Workforce and Bradley Automotive Group Inc.
Appellate Case No: 2024-000251

Dear Ms. Kitchings:

Enclosed is the Respondents' Joint Return in Opposition to Appellant's Motion to File Amended Initial Brief of Appellant and Designation of Matter in the above referenced case. A proof of service is also included in this mailing indicated service upon the parties.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kristi Chesley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kristi Chesley
Administrative Legal Assistant for
Valerie McMellan
Attorney for Respondent South Carolina
Department of Employment and Workforce