

RECEIVED
Mar 10 2026
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

Judge G. D. Morgan
Case No. 2024-CP-23-00312
Appellate Case No.: **2024-000731**

Christopher Jones,

Appellant,

v.

D&B Real Estate Ventures, LLC; Darius Jones; Bradley Robinson,

Respondents.

**APPELLANT'S RESPONSE IN OPPOSITION TO
RESPONDENTS' MOTION FOR DISMISSAL**

I. INTRODUCTION AND SUMMARY OF ARGUMENT

Appellant Christopher Jones ("Appellant"), appearing pro se, respectfully submits this Response in Opposition to Respondents' Motion for Dismissal filed February 10, 2026. For the reasons set forth below, Respondents' Motion should be DENIED in its entirety.

This is Respondents' fourth motion seeking dismissal of this appeal. Each prior motion was denied or rendered moot by this Court's orders. This latest motion suffers from three independent, fatal defects.

First, Respondents' Motion contains a fatal internal admission: they acknowledge they need the Record on Appeal to prepare their Final Brief. See Motion, ¶9. That admission directly

concedes that this appeal is substantively viable and proceeding, which is wholly incompatible with their simultaneous demand for dismissal with prejudice.

Second, the only deficiency alleged is a technical formatting matter — that the consecutively paginated pages of the Record were not physically attached to the Cover Page and Index Appellant filed on January 27, 2026. Every underlying document is already part of the official trial court record. This Court has full discretion under Rule 260(a), SCACR to deny dismissal and allow a reasonable period to cure a technical deficiency.

Third, dismissal with prejudice is the most severe sanction available in appellate proceedings and is grossly disproportionate to a formatting deficiency in the assembly of the Record on Appeal, particularly where Appellant is proceeding entirely pro se and has substantially complied with all substantive requirements of this Court's orders.

Appellant respectfully requests that this Court:

- (1) DENY Respondents' Motion for Dismissal; and
- (2) in the alternative, grant Appellant fourteen (14) days to file and serve the complete consecutively paginated Record on Appeal.

II. RESPONSE TO RESPONDENTS' CHARACTERIZATION OF PROCEDURAL HISTORY

Respondents characterize the procedural history of this appeal as a 'pattern of disregard' for this Court's rules. That characterization is unfounded. The following material facts are omitted from Respondents' account:

1. At all times, Appellant has acted in good faith and has not sought to abandon this appeal. Appellant filed a substantive Initial Brief and Amended Final Brief addressing the merits in full. The deficiencies at issue have uniformly been technical, not substantive.
2. Appellant is proceeding entirely pro se, without benefit of counsel, in complex appellate proceedings governed by detailed technical rules. The Supreme Court of the United States has held that pro se litigants are to be held to less stringent procedural standards than represented parties. *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). That principle applies with equal force to pro se appellants navigating technical appellate requirements.

3. Appellant filed a Cover Page and Index on January 27, 2026 — the same date as this Court's Order. The five-day window ran January 27 through February 1, 2026. Appellant's filing was timely. The remaining deficiency — that the 119-page consecutively paginated compilation was not physically attached — is a technical assembly matter, not a failure to comply with the Court's Order.
4. Every document listed in Appellant's January 27, 2026 Index is part of the official Greenville County Court of Common Pleas record in Case No. 2024-CP-23-00312. Respondents' counsel also served as trial counsel and has had access to each of those documents throughout this entire litigation.
5. An appellant in a South Carolina appeal bears the burden of providing this Court with a sufficient record to allow appellate review. *McCall v. IKON*, 380 S.C. 649, 670 S.E.2d 695 (Ct. App. 2008). Appellant does not dispute this obligation. Any remaining deficiency is curable within fourteen days and does not warrant dismissal with prejudice.

III. RESPONDENTS' MOTION CONTAINS A FATAL INTERNAL ADMISSION

Respondents' Motion is internally self-defeating. Paragraph 9 states:

"Respondents are currently unable to file their Final Brief because a compliant Record on Appeal has not been served . . . Appellant's continued failure to provide the actual record . . . frustrates the appellate process and significantly prejudices the Respondents' ability to defend this appeal."

This admission is logically incompatible with Respondents' simultaneous demand for dismissal with prejudice. If the appeal were truly so procedurally deficient as to warrant dismissal, Respondents would have no need to prepare a Final Brief and nothing to "defend." The only reason Respondents are genuinely prejudiced by their inability to cite the Record in a Final Brief is that they recognize this appeal is substantively alive and that Appellant's fully briefed merits arguments require a response.

Respondents cannot maintain two mutually exclusive positions: (A) this appeal must be dismissed with prejudice; and (B) they are prejudiced by their inability to brief the merits in response to this appeal. If (A) were true, (B) would be irrelevant. If (B) is true — as Respondents themselves declare — then (A) is unjustified.

The remedy that Respondents' own Paragraph 9 actually supports is an order directing Appellant to promptly serve the complete consecutively paginated Record on Appeal. That is the alternative relief Appellant seeks herein. Respondents' demand for dismissal with prejudice is unsupported by even their own articulation of the prejudice they claim to suffer.

IV. RULE 260(a) DOES NOT MANDATE DISMISSAL; RESPONDENTS ALSO MISCITE THE RULE GOVERNING FINAL BRIEF TIMING

A. This Court Has Full Discretion to Deny the Motion.

Rule 260(a), SCACR provides that when an appellant fails to comply with appellate rules, the clerk 'shall issue an order of dismissal,' but further expressly provides that a case may be 'reinstated . . . by leave of the court, upon good cause shown.' Rule 260(a), SCACR. Nothing in Rule 260(a) removes this Court's discretion to deny a pending motion to dismiss and instead direct a cure before any dismissal order issues. This Court exercised exactly that discretion on January 27, 2026, when it entered an Order granting Appellant additional time to cure rather than allowing a dismissal order to stand. This Court has done so at each stage of this appeal, denying each of Respondents' prior motions to dismiss.

Good cause exists to deny this Motion. Appellant is a pro se litigant who timely filed a Cover Page and Index on January 27, 2026. The underlying documents are part of the official court record. The only remaining step is physical assembly and consecutive pagination — a ministerial function. There is no willful disregard of this Court's authority, no abandonment of the appeal, and no substantive failure. These circumstances satisfy the 'good cause' standard under Rule 260(a). See *Sundown Operating Co. v. Intedgen Indus., Inc.*, 383 S.C. 601, 607, 681 S.E.2d 885, 888 (2009) (holding that the Rule 55(c) "good cause" standard is less stringent than the excusable neglect standard of Rule 60(b), and that a default entry "may be set aside for reasons that would be insufficient to relieve a party from a default judgment").

B. Respondents Miscite the Rule Governing Final Brief Timing.

Respondents claim in Paragraph 9 of their Motion that 'Rule 210(c), SCACR' governs when their time to file a Final Brief begins to run. That is incorrect. Rule 210(c), SCACR governs the Content of the Record on Appeal — what materials must be included and in what order. It says nothing about brief filing deadlines.

The rule that actually governs Final Brief timing is Rule 211(a), SCACR, which provides: 'Within twenty (20) days after the service of the Record on Appeal, each party shall serve a copy of the party's final brief(s) on every other party to the appeal.' Rule 211(a), SCACR. Respondents have miscited their own authority. The underlying factual point — that their Final Brief deadline runs from service of the Record — is correct under Rule 211(a), but their citation to Rule 210(c) is wrong. In any event, this underscores why the appropriate remedy is an order directing Appellant to complete and serve the Record promptly, not dismissal.

V. DISMISSAL WITH PREJUDICE IS GROSSLY DISPROPORTIONATE TO A TECHNICAL ASSEMBLY DEFICIENCY

Dismissal with prejudice permanently extinguishes an appellant's right of appellate review without any adjudication on the merits. This Court should be especially reluctant to impose that sanction where, as here: (1) the only deficiency is a technical assembly deficiency in the physical format of the Record, not a substantive failure; (2) every underlying document is already part of the official trial court record accessible to all parties; (3) Appellant is proceeding entirely pro se; and (4) Appellant has in good faith filed a Cover Page and Index identifying every document to be included in the Record.

Imposing dismissal with prejudice under these circumstances would:

1. Permanently extinguish Appellant's right of appeal on a formatting deficiency that has not prevented any party from accessing the underlying record;
2. Reward Respondents' fourth successive attempt to obtain dismissal on technicalities rather than defending on the merits;
3. Impose on a pro se litigant a sanction that courts have declined to impose even on represented parties in circumstances involving more substantial non-compliance; and
4. Produce a result inconsistent with the foundational principle that appeals should be resolved on their merits wherever possible.

The proportionate remedy is an order directing Appellant to file and serve the complete consecutively paginated Record within fourteen (14) days. That remedy eliminates the only actual deficiency, addresses the prejudice Respondents claim in Paragraph 9 of their own Motion, and preserves this Court's ability to decide this appeal on the merits.

VI. RESPONDENTS' FOURTH MOTION TO DISMISS REFLECTS AN IMPROPER USE OF THE APPELLATE PROCESS

This is Respondents' fourth motion to dismiss this appeal. Each prior motion was denied, rejected, or rendered moot by this Court's rulings. Respondents have, at no point, engaged with the substantive merits of Appellant's fully briefed arguments. Their litigation strategy has consisted entirely of serial dismissal motions targeting technical record deficiencies.

Respondents themselves requested and received an extension of time in the briefing schedule. Having obtained the benefit of this Court's procedural flexibility for their own filing obligations, Respondents are not in an equitable position to demand that Appellant be dismissed with prejudice for an assembly deficiency of comparable technical nature.

As confirmed above, Rule 211(a), SCACR ties Respondents' Final Brief deadline to service of the Record on Appeal. That purpose is fully served by an order directing Appellant to complete and serve the Record within fourteen days. Dismissal with prejudice serves none of the purposes underlying Rule 211(a) — it produces only a windfall for Respondents entirely disconnected from the merits of the underlying dispute.

VII. IN THE ALTERNATIVE, THIS COURT SHOULD GRANT APPELLANT FOURTEEN DAYS TO FILE THE COMPLETE RECORD

Even if this Court were to find any remaining deficiency in Appellant's January 27, 2026 filing, the appropriate remedy is not dismissal but a brief additional period to complete the Record on Appeal.

The documents comprising the Record on Appeal are identified, organized, and available. The remaining task is consecutive pagination and physical assembly — a ministerial function. Appellant represents to this Court that he can complete and serve the full consecutively paginated Record within fourteen (14) days of any order.

This relief would fully address the only deficiency identified in Respondents' Motion, eliminate the prejudice Respondents claim, and allow this appeal to proceed to a decision on the merits.

VIII. CONCLUSION AND PRAYER FOR RELIEF

For all of the foregoing reasons, Appellant Christopher Jones respectfully requests that this Honorable Court:

1. DENY Respondents' Motion for Dismissal in its entirety;
2. FIND that Appellant's filing of the Cover Page and Index on January 27, 2026 constituted timely, good-faith compliance with this Court's January 27, 2026 Order;
3. In the alternative, GRANT Appellant fourteen (14) days from the date of any order to file and serve the complete consecutively paginated Record on Appeal in compliance with Rule 211(a), SCACR;
4. ALLOW this appeal to proceed to a determination on the merits; and
5. GRANT such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/ Christopher Jones
Christopher Jones
Appellant, Pro Se
309 Perry Avenue
Greenville, SC 29601
Telephone: (864) 371-0989
Email: intljonesc@gmail.com

March 9, 2026

TABLE OF AUTHORITIES

Cases

Haines v. Kerner, 404 U.S. 519 (1972)	2, 4
McCall v. IKON, 380 S.C. 649, 670 S.E.2d 695 (Ct. App. 2008)	3
Sundown Operating Co. v. Intedg Indus., Inc., 383 S.C. 601, 681 S.E.2d 885 (2009) ..	5

Rules

Rule 208(b)(4), SCACR (References to Record in Briefs)	passim
Rule 210(a), SCACR (Time for Service of Record)	passim
Rule 210(c), SCACR (Content of Record)	4
Rule 211(a), SCACR (Final Briefs due 20 days after Record served)	passim
Rule 260(a), SCACR (Involuntary Dismissal and Reinstatement)	passim

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2026, I served a true and accurate copy of the foregoing Appellant's Response in Opposition to Respondents' Motion for Dismissal upon the following counsel of record by depositing same in the United States Mail, postage prepaid, and by electronic mail:

M. Stokely Holder, Esq.
Ra'na Heidari, Esq.
Raford W. Bussey, Jr., Esq.
Holder, Padgett, Littlejohn + Prickett, LLC
P.O. Box 1804 / 800 E. North Street
Greenville, SC 29602 / 29601
sholder@hplplaw.com
rheidari@hplplaw.com
rbussey@hplplaw.com

RECEIVED

Mar 10 2026

SC Court of Appeals

s/ Christopher Jones
Christopher Jones
Appellant, Pro Se