THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2026-000079

Tony Williams Appellant,

v.

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

MOTION FOR SANCTIONS

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Respondents respectfully submit this Motion for Sanctions on the grounds that Appellant has repeatedly relied upon non-existent and mis-cited case law, advanced arguments that are frivolous and wholly unsupported by the record, and has forced Respondents to incur unnecessary fees and expenses in responding to filings that do not comply with the South Carolina Appellate Court Rules.

Appellant filed his Notice of Appeal on January 12, 2026, which triggered the thirty-day deadline under Rule 207(a)(1), SCACR, to request the necessary transcripts. That deadline expired on February 11, 2026. Two hearings occurred before the Court of Common Pleas on September 5, 2025 and December 12, 2025, and both hearings require an official transcript for any meaningful appellate review. Despite this requirement, Appellant unilaterally filed a "Statement of No Transcript" and made no effort to comply with Rule 207(a)(1). This Court therefore dismissed the appeal on February 26, 2026 based on Appellant's failure to order the transcript as required. Appellant then filed a Motion to Reinstate Appeal and Emergency Notice to Vacate Dismissal that same day, followed by a Supplemental Notice on February 27, 2026, in which he attempted to argue that Respondents somehow waived the transcript requirement by not objecting to his unilateral statement. Respondents filed their Reply in Opposition on March 10, 2026.

In that Reply, Respondents noted that Appellant's authorities were either mis-cited, wholly irrelevant, or, in at least one instance, entirely fictitious. Respondents explained that the case Appellant repeatedly invoked as *Stono River Construction Co. v. Hill,* 306 S.C. 170 (1991) does not exist in any legal database and that the citation Appellant provided corresponds only to *Xanadu Horizontal Property Regime v. Ocean Walk Horizontal Property Regime*, 306 S.C. 170, 410 S.E.2d 580 (Ct. App. 1991), a case concerning an easement dispute that has no connection to appellate procedure or transcript obligations. Respondents further identified that Appellant misrepresented

the holdings of additional cases, including *Hagy v. Pruitt*, 339 S.C. 425, 529 S.E.2d 714 (2000), *State v. Burton*, 356 S.C. 259, 588 S.E.2d 903 (2003), *Germain v. Nichol*, 278 S.C. 508, 299 S.E.2d 332 (1982), *Chewning v. Ford Motor Co.*, 354 S.C. 72, 579 S.E.2d 605 (2003), and *Gainey v. Gainey*, 382 S.C. 414, 675 S.E.2d 792 (Ct. App. 2009), none of which support his attempt to avoid the transcript requirement or alter the appellant's burden under Rule 207.

Appellant filed a Sur-Reply on March 11, 2026, in which he asserts that Respondents made "material misrepresentations" in their Reply and that Respondents' counsel has an "irreconcilable conflict of interest." In the Sur-Reply, Appellant claims that *Stono River Construction Co. v. Hill* is a real, published South Carolina Court of Appeals decision and argues that Respondents falsely stated that the case "does not exist." Appellant characterizes Respondents' position as a "blatant misrepresentation" and insists that *Stono River* is the "governing authority" on the status of defaulted parties, which he describes as "procedurally mute."

However, the "corrected citation" that Appellant provides in his Sur-Reply, *Stono River Constr. Co. v. Hill*, 306 S.C. 531, 413 S.E.2d 43 (Ct. App. 1992), does not lead to that case at all. The citation he offers corresponds only to *Soaper v. Hope Industries*, 306 S.C. 531, 413 S.E.2d 38 (Ct. App. 1992), which is a breach-of-contract and warranty action involving a defective color film processor that has no relationship whatsoever to appellate procedure, default status, or transcript obligations. Likewise, the reporter page number he references, 413 S.E.2d 43, directs only to *Whitby v. Overton*, 243 Va. 20, 413 S.E.2d 42 (1992), a Virginia Supreme Court case concerning whether a life tenant could compel partition against remaindermen, which again bears no relevance to any issue in this appeal.

Appellant again relies on *Chewning v. Ford Motor Co.*, 354 S.C. 72, 75, 579 S.E.2d 605 (2003), to argue that alleged extrinsic fraud eliminates the need for a transcript. However,

Chewning stands for the proposition that extrinsic fraud is limited to the most egregious forms of misconduct by an officer of the court, such as an attorney's deliberate scheme to suborn perjury or intentionally conceal critical documents, which prevents the opposing party from having a fair opportunity to present a case and thereby constitutes "fraud upon the court." *Id.* at 607. *Chewning* explains that this form of fraud arises only when the misconduct is so severe that it subverts the integrity of the judicial process itself. *Id.* at 608. It does not stand for the proposition that a party may dispense with transcript requirements or ignore Rule 207 merely by alleging fraud, nor does it suggest that ordinary allegations of error, misrepresentation, or adverse rulings eliminate an appellant's duty to provide a record sufficient for review.

Respondents respectfully submit that sanctions are appropriate in this matter because Appellant's conduct throughout this appeal has demonstrated a persistent disregard for the South Carolina Appellate Court Rules and a pattern of filings that serve only to burden the Court and opposing counsel. Appellant has repeatedly advanced arguments that have no basis in law, relied upon fabricated and mis-cited authorities, and continued to file motions even after the appeal was dismissed for a clear and undisputed procedural defect. This conduct is precisely the type that Rule 269, SCACR, is designed to address, as it undermines the orderly administration of justice and forces parties to expend time and resources responding to filings that are legally unsupported and cannot advance the appeal. Rule 269, SCACR states:

> **Where an appeal, petition, motion or return is frivolous or taken solely for the purposes of delay**, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require. This Rule does not apply to any matters where counsel is required by law to pursue an appeal or petition for writ of certiorari even though the matter may be frivolous.

Here, sanctions are warranted under Rule 269 because Appellant's filings are frivolous and not in compliance with the South Carolina Appellate Court Rules, and because they rest on authorities that do not exist or that Appellant materially misrepresented. Appellant repeatedly relied on what he labeled *Stono River Constr. Co. v. Hill* and insisted it was controlling authority on the "procedurally mute" status of defaulted parties. Respondents demonstrated that no such case exists in any legal database and that Appellant's "corrected citation," 306 S.C. 531, 413 S.E.2d 43, does not correspond to any decision concerning default or appellate procedure. Appellant nevertheless advanced these non-existent or unrelated authorities as the central basis for reinstating his appeal and repeated them in his Sur Reply while accusing Respondents of misrepresentation. This pattern of reliance on fake and irrelevant case law, coupled with Appellant's refusal to acknowledge or correct the fundamental procedural defect at issue, has required Respondents to expend unnecessary time and resources. For these reasons, Respondents respectfully request an award of attorney's fees incurred as a result of Appellant's frivolous filings and the ensuing dismissal, as permitted by Rule 269, SCACR.

Respectfully Submitted,

/s/ Michelle E. Gaston
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via U.S. Mail, postage prepaid, this March 17, 2026 addressed as follows:

Tony A. Williams
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Pro Se

/s/ Michelle E. Gaston, Esq.
COUNSEL FOR RESPONDENTS