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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
Jeremy C. Hodges, Esquire, Special Referee

Case No. 2022-CP-28-00877
Appellate Case No.: 2024-000679

Joseph & Lauren Jaco.....Respondents,

vs.

J.N. Green & Associates, LLC, Big Blue Express, LLC, and Joe N. Green.....Appellants.

**RESPONDENTS’ RETURN TO APPELLANTS’ MOTION
TO REINSTATE THEIR APPEAL**

INTRODUCTION

The Record on Appeal in this April 2024 appeal—an appeal from a default judgment—was filed on March 24, 2026, and only after this Court dismissed this appeal. This delay came after repeated assurances from Appellants’ counsel in multiple extensions for over 6 months. Even in the motion to reinstate, Appellants represented the Record on Appeal would be hand-delivered on March 20, 2026.

Appellants now have moved to reinstate this dismissed appeal; however, Appellants have not articulated any good cause to reinstate this appeal. Accordingly, the Court should end the waiting and deny the motion to reinstate.

RELEVANT PROCEDURAL BACKGROUND

- **October 12, 2022:** Respondents filed their Complaint in the Court of Common Pleas.

- **January 8, 2024:** The Special Referee entered a Final Order awarding Respondents damages.
- **April 24, 2024:** Appellants filed their Notice of Appeal.
- **May 29, 2024:** Respondents moved to dismiss the appeal as untimely.
- **September 4, 2024:** The Court of Appeals by letter set a briefing schedule requiring Appellants to file their initial brief and designation of matter within thirty days, warning that failure to comply would result in dismissal.
- **October–November 2024:** Appellants filed multiple motions seeking extensions of time. The Court granted limited extensions while cautioning that no further extensions would be granted absent extraordinary circumstances.
- **February 3, 2025:** The Court denied Respondents’ motion to dismiss but required Appellants to file their initial brief and designation of matter within 15 days, with consequences for noncompliance – “Failure to comply will result in dismissal of the appeal.”
- **August 11, 2025:** Appellants filed their Reply Brief, triggering the deadline to serve and file the Record on Appeal under Rule 210, SCACR, making **September 10, 2025**, the initial due date for the Record on Appeal.
- **September 12, 2025:** After the deadline, Appellants moved for an extension based on a medical emergency for Appellants’ counsel.
- **September 16, 2025:** The Court granted Appellants an extension to file the Record on Appeal, setting a firm deadline of October 13, 2025.
- **October 13, 2025:** Rather than file the Record on Appeal, Appellants filed a motion to compel production from Respondents and sought to hold deadlines in abeyance.
- **December 30, 2025:** The Court denied Appellants’ motion to compel and ordered Appellants to serve and file the Record on Appeal within twenty days, warning that failure to comply would result in dismissal.
- **January 20, 2026:** Appellants moved for an extension until January 25, 2026, to file the Record on Appeal because of unexpected technical difficulties with printing the Record on Appeal:

As grounds for this Motion, Appellants show the following:

- 1 The Record on Appeal in this case is currently due for filing and service on January 20, 2026.
- 2 Appellants' counsel encountered unexpected technical difficulties during the preparation and printing of the Record on Appeal, specifically with respect to embedded exhibits within the certified transcript.
- 3 Certain exhibits, which were referenced by embedded hyperlinks in the electronic version of the transcript, could not be accessed or printed because the embedded links were corrupted or otherwise non-functional. As a result, the corresponding exhibits were omitted from the initial printed Record on Appeal.
- 4 Upon discovering the error, counsel for Appellants promptly contacted the original court reporters who transcribed the proceedings in order to obtain the complete and correct copies of the missing exhibits.
- 5 As of January 20, 2026, the original transcribers have provided hard copies of the relevant exhibits. Counsel for Appellants is now in the process of resubmitting the Record on Appeal to the printer with the corrected materials for prompt production and service.
- 6 Counsel does not anticipate that this delay will be extensive. However, out of an abundance of caution and in the interest of completeness and accuracy, Appellants respectfully request a brief extension of five (5) days in which to finalize, file, and serve the corrected Record on Appeal.
- 7 This motion is made in good faith and not for the purpose of delay. No party will be prejudiced by the brief extension requested.

See Appellants' Jan. 20, 2026, motion for extension, p. 1.

- **February 19, 2026:** Appellants did not file the Record on Appeal by January 25, 2026, as stated in the January 20, 2026, motion. Accordingly, the Court issued an order directing that Appellants file the Record on Appeal by March 2, 2026.
- **March 3, 2026:** The Court dismissed the appeal for Appellants' failure to serve and file the Record on Appeal as required by Rule 210 and the Court's prior orders.
- **March 17, 2026:**¹ Appellants moved to reinstate the appeal on the same grounds that justified a five (5) day delay in January, among others:

1.

This appeal was dismissed by Order of this Court dated March 3, 2026, due to Appellants' failure to timely submit the Record on Appeal.

2.

Appellants respectfully submit that the delay in filing the Record on Appeal was the result of unforeseen and compounding logistical and technical difficulties encountered during preparation of the Record, and not the result of willful neglect or disregard of this Court's rules.

3.

Specifically, Appellants encountered continued and unanticipated issues in obtaining and confirming all necessary designated materials for inclusion in the Record on Appeal, requiring additional time to ensure accuracy and completeness.

¹ It was not clear until March 24, 2026, that the motion to reinstate was properly filed. *See March 24, 2026 Docket Entry (Deficiency Correction) (Motion to Reinstate) (2024-000679; Case View).*

4.

Additionally, Appellants experienced repeated technical complications involving corrupted electronic files, which required reconstruction and verification of portions of the Record.

5.

Further, unanticipated delays arose during final preparation of the Record with the print vendor, including complications associated with multiple overlapping print orders and processing errors, which contributed to the delay despite diligent efforts.

6.

These issues have now been resolved. The Record on Appeal has been fully completed and is being filed and served contemporaneously with this Motion via hand delivery.

See Appellants' Motion to Reinstate, pp. 1–2.

- **March 24, 2026:** Appellants—despite representing that the Record on Appeal would be filed on February 20, 2026, by hand delivery—actually file and serve the Record on Appeal on February 24, 2026.
 - Appellants also correct the deficient filing by paying the required motion filing fee.

DISCUSSION

This Court should refuse to reinstate Appellants' appeal after months of delay and inaccurate filings with the Court. Appellants have not shown good cause to reinstate, and this Court should deny the motion.

“A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties.” Rule 260, SCACR. In other contexts, like setting aside the entry of default,

a party must provide a good reason for the default and then the court considers timing, the merit of the party’s position, and prejudice to the other party. *Compare* Rule 55(c), SCRCP (“For good cause shown the court may set aside an entry of default.”); *see also White Oak Manor, Inc. v. Lexington Ins. Co.*, 407 S.C. 1, 11, 753 S.E.2d 537,542 (2014) (“a party seeking relief from an entry of default under Rule 55(c) [must] provide an explanation for the default and give reasons why vacation of the default entry would serve the interests of justice.”) (quotation omitted).

Now, Appellants argue good cause by asserting technical issues (without supporting affidavits) similar to issues that justified only a five-day delay in January of this year:

January 20, 2026	March 17, 2026
<p>As grounds for this Motion, Appellants show the following:</p> <ol style="list-style-type: none"> 1 The Record on Appeal in this case is currently due for filing and service on January 20, 2026. 2 Appellants’ counsel encountered unexpected technical difficulties during the preparation and printing of the Record on Appeal, specifically with respect to embedded exhibits within the certified transcript. 3 Certain exhibits, which were referenced by embedded hyperlinks in the electronic version of the transcript, could not be accessed or printed because the embedded links were corrupted or otherwise non-functional. As a result, the corresponding exhibits were omitted from the initial printed Record on Appeal. 4 Upon discovering the error, counsel for Appellants promptly contacted the original court reporters who transcribed the proceedings in order to obtain the complete and correct copies of the missing exhibits. 5 As of January 20, 2026, the original transcribers have provided hard copies of the relevant exhibits. Counsel for Appellants is now in the process of resubmitting the Record on Appeal to the printer with the corrected materials for prompt production and service. 6 Counsel does not anticipate that this delay will be extensive. However, out of an abundance of caution and in the interest of completeness and accuracy, Appellants respectfully request a brief extension of five (5) days in which to finalize, file, and serve the corrected Record on Appeal. 7 This motion is made in good faith and not for the purpose of delay. No party will be prejudiced by the brief extension requested. 	<ol style="list-style-type: none"> 1. This appeal was dismissed by Order of this Court dated March 3, 2026, due to Appellants’ failure to timely submit the Record on Appeal. 2. Appellants respectfully submit that the delay in filing the Record on Appeal was the result of unforeseen and compounding logistical and technical difficulties encountered during preparation of the Record, and not the result of willful neglect or disregard of this Court’s rules. 3. Specifically, Appellants encountered continued and unanticipated issues in obtaining and confirming all necessary designated materials for inclusion in the Record on Appeal, requiring additional time to ensure accuracy and completeness. 4. Additionally, Appellants experienced repeated technical complications involving corrupted electronic files, which required reconstruction and verification of portions of the Record. 5. Further, unanticipated delays arose during final preparation of the Record with the print vendor, including complications associated with multiple overlapping print orders and processing errors, which contributed to the delay despite diligent efforts. 6. These issues have now been resolved. The Record on Appeal has been fully completed and is being filed and served contemporaneously with this Motion via hand delivery.

Appellants’ initial deadline to file the Record on Appeal was **September 10, 2025**. Appellants did not file the Record on Appeal—after multiple extensions, after multiple missed deadlines and after this Court had dismissed the appeal—until **March 24, 2026**. The Record on

Appeal was filed three weeks after this Court's March 3, 2026, order dismissing the appeal. Appellants have not put forth a valid excuse explaining the delay from January 25, 2026, to March 2, 2026, or why the delay from March 3, 2026, (date of dismissal) to March 24, 2026.

While the Court need not reach prejudice to Respondents without Appellants showing some good excuse to reinstate, Respondents are prejudiced by this delay on top of all the others. As noted in the timeline above, this appeal was filed by Appellant on April 24, 2024. On April 1, 2026, the parties have not filed final briefs because of the repeated delay by Appellants. The Record on Appeal is not from a weeks long trial—this was a half-day default damages hearing with normal motions practice. Respondents should not be made to wait longer and are prejudiced by Appellants' repeated failure to respect this Court's orders on appeal.

Respondents are not objecting to Appellants' first unjustified delay; this latest late filing is the norm in this litigation that began with Appellants' failure to answer the lawsuit served on them. Appellants have not articulated "good cause" justifying the motion to reinstate this appeal. Accordingly, this Court should deny Appellants motion to reinstate.

CONCLUSION

For these reasons, this Court should deny Appellants' motion to reinstate this appeal.

[Signatures on Following Page]

Respectfully submitted,

CALLISON TIGHE & ROBINSON, LLC

s/ Harry A. Dixon

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Attorneys for Respondents

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April 1, 2026

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PROOF OF SERVICE

I hereby certify that, on this date, the **RESPONDENTS' RETURN TO APPELLANTS' MOTION TO REINSTATE THEIR APPEAL** was served on Appellants' counsel via first-class mail delivery, and by email, pursuant to Supreme Court Order dated April 24, 2024, as follows:

Adrienne L. Turner, Esquire
Turner Law, LLC
887 Pine Log Ford Road
Travelers Rest, SC 29690
aturner@turnerlawsc.com
Attorney for Appellants
J.N. Green & Associates, LLC,
Big Blue Express, LLC, and Joe N. Green

I further certify that all parties required by Rule to be served have been served.

s/ Harry A. Dixon
Harry A. Dixon, SC Bar No. 103509

April 1, 2026
Columbia, South Carolina

HARRY A. DIXON
Telephone: 803-404-6900
HarryDixon@callisontighe.com

April 1, 2026

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SC Court of Appeals

VIA EMAIL: ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

**Re: Joseph & Lauren Jaco vs. J.N. Green & Associates, LLC; Big Blue Express, LLC; and Joe N. Green
Appellate Case No. 2024-000679
Our File No. 8728.001**

Dear Ms. Kitchings:

Enclosed herewith please find the Respondents' Return to Appellants' Motion to Reinstate Their Appeal, together with the Proof of Service, in the above-referenced matter. Kindly file the same and return a clocked-in copy of each to the undersigned via return email.

The enclosed documents have been served upon Appellants' counsel today via email and first-class mail as indicated in the Proof of Service.

Please feel free to contact me with any questions. Thank you.

With kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC

s/ Harry A. Dixon

Harry A. Dixon

HAD:ksr
Enclosures
cc (w/enc.): Adrienne L. Turner, Esquire (via email and first-class mail)