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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2025-002408

Debra E. Nelson, Appellant,

v.

Hunt Law, LLC and Bonnie Travaglio Hunt, Esq.,
Respondents.

**APPELLANT’S SUR-REPLY IN OPPOSITION TO RESPONDENTS’ MOTION FOR
ATTORNEY’S FEES (RULE 222, SCACR)**

Appellant **Debra E. Nelson**, pro se, respectfully submits this Sur-Reply in opposition to Respondents’ Motion for Attorney’s Fees under Rule 222, SCACR, and states:

I. INTRODUCTION

Respondents ask the Court to award attorney’s fees and attempt to justify the request with personal attacks, speculation, and references to collateral litigation history rather than record-based argument. The Court should deny the fee request (or, at minimum, substantially reduce or defer it) because Respondents have not supported their request with competent proof, and their Reply relies on irrelevant, prejudicial statements outside the record.

Critically, the dismissal cited by Respondents was based on **timeliness**—i.e., whether the notice of appeal was filed within the time required by rule. A finding of untimeliness is a procedural determination. It is **not** a determination that the appeal was frivolous, meritless, or

brought in bad faith. Respondents' attempt to convert a procedural dismissal into a "frivolous appeal" narrative is improper and should be rejected.

II. FACTS RELEVANT TO THIS MOTION

1. Appellant served and filed a Notice of Appeal dated **October 7, 2025** from the Order of Dismissal with Prejudice entered on or about **August 5, 2025**.
2. On **November 25, 2025**, Appellant filed a **Supplement to Notice of Appeal** to ensure the appellate record was complete and to request transmission of final orders as part of the Record on Appeal.
3. On **December 12, 2025**, the South Carolina Court of Appeals received Appellant's **Form 1 Amended Notice of Appeal**, which states Appellant appeals the September 10, 2025 order and received written notice of entry on **September 15, 2025**.
4. Respondents' Motion states "Appellant filed this appeal on November 25, 2025," which at most refers to Appellant's **Supplement** and not the original Notice of Appeal.

III. Argument

A. Respondents provide no affidavit or billing proof supporting the amount requested.

Respondents seek a flat attorney-fee amount but do not submit an affidavit, itemized time records, hours/rates, or any evidentiary showing of reasonableness or necessity. Their Reply relies on conclusory assertions and rhetoric rather than proof. A fee request unsupported by competent evidence should be denied.

B. Timeliness dismissal does not equal frivolousness or a merits determination.

Respondents repeatedly frame the dismissal as if it reflects on the merits or "good faith" of the appeal. It does not. "Untimely" means only that the filing deadline was not met (as determined by the Court). It is not a ruling on whether the trial court erred, not a ruling on the legal malpractice merits, and not a finding that Appellant's position was frivolous. Respondents' argument improperly invites the Court to punish Appellant for a procedural outcome rather than apply Rule 222 on an evidentiary and equitable basis.

V. RESPONDENTS' PERSONAL ATTACKS AND COLLATERAL ALLEGATIONS ARE IRRELEVANT AND IMPROPER

A. “AI-generated” insinuations are speculative and irrelevant.

Respondents insinuate Appellant’s filings contain “obvious errors” and are “apparently generated by AI,” without any proof. Respondents submit no affidavit, no factual basis, and no competent evidence for that accusation. It is speculation offered to prejudice the Court against a pro se litigant and is irrelevant to whether Respondents are entitled to fees under Rule 222.

B. Respondents continue injecting irrelevant collateral matters despite Appellant’s Motion to Strike.

Respondents again rely on references to unrelated cases, generalized claims about Appellant’s litigation history, and character attacks—none of which are part of the record relevant to this fee request. This is the same problem Appellant raised in her Motion to Strike: Respondents repeatedly attempt to import irrelevant material instead of addressing the issue before the Court. The Court should disregard these collateral matters in their entirety and decide the fee request based solely on the record and applicable standards.

C. The “none of which have been successful” footnote is inaccurate, unsupported, and prejudicial.

Respondents include a footnote stating Appellant’s “numerous cases” have not been successful. Respondents do not identify the cases they reference, do not cite dispositions, and do not establish that any such matters are properly before the Court or relevant to Rule 222.

The statement is also misleading. Appellant **voluntarily withdrew** two legal malpractice actions. Voluntary withdrawal is not an adjudication on the merits and does not support Respondents’ sweeping “none successful” claim. In addition, Appellant has **pending** federal matters that have not been finally adjudicated. Respondents’ vague, unsupported footnote is a collateral attack designed to prejudice Appellant, and it should be disregarded (and, if the Court deems appropriate, struck).

D. Respondents’ “abusive filings” narrative is unsupported; counsel’s conduct is the issue Appellant raised.

Respondents label Appellant’s filings “abusive” and argue fees should deter future filings. Respondents cite no finding by any court in this appeal that Appellant’s filings were

abusive or sanctionable. Appellant’s filings were directed to record-based procedural concerns and counsel conduct, including repeated irrelevant submissions. Appellant has sought protective relief in the trial court (including requesting a temporary restraining order) due to counsel conduct. Those issues do not justify a fee award and underscore why Respondents’ personal attacks should not be credited as a basis for fees.

VI. EQUITY FAVORS DENIAL OR SUBSTANTIAL REDUCTION

A. Appellant’s in forma pauperis status and sworn disclosures weigh strongly against fees.

Appellant filed in forma pauperis applications with multiple appellate filings and provided extensive sworn financial information. The in forma pauperis applications were approved, reflecting the Court’s determination that Appellant could not pay required costs/fees without hardship.

B. Appellant’s financial circumstances materially changed after filing the underlying actions.

When Appellant initially filed these lawsuits more than a year ago, she had the financial means—she was employed and had savings. Now, Appellant has neither employment nor savings. A fee award under these circumstances would function as a punitive financial sanction against a litigant the Court has already found indigent.

C. Respondents’ deterrence argument improperly attempts to convert Rule 222 into sanctions.

Respondents argue the Court should award fees to deter Appellant’s filings. Rule 222 is not a sanctions rule, and this fee request should not be used to punish a pro se litigant or chill court access—particularly where the dismissal was procedural and Respondents have not supported the requested amount with competent proof.

VII. ALTERNATIVE REQUEST: DEFER ANY FEE RULING PENDING REMITTITUR / POST-DISMISSAL MOTIONS

Respondents ask the Court to award the \$2,500 fee “to be added to the remittitur.” Appellant filed a **Motion to Stay Issuance of Remittitur on March 18, 2026**. Given the

pending post-dismissal posture and remittitur implications, Appellant alternatively requests the Court defer any ruling on fees unless and until the remittitur/stay posture is resolved.

VIII. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Court:

1. **Deny** Respondents' Motion for Attorney's Fees under Rule 222, SCACR;
or, alternatively,
2. **Substantially reduce** any award due to Respondents' failure to provide competent proof supporting the amount requested and the inequity of imposing fees on an indigent litigant;
and in the further alternative,
3. **Defer** any ruling on fees pending resolution of the remittitur/stay posture.

Respectfully submitted April 2, 2026,



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PROOF OF SERVICE

I hereby certify that on this 2nd day of April, 2026, I served a true and correct copy of the foregoing **Appellant's Sur-Reply in Opposition to Respondents' Motion for Attorney's Fees (Rule 222, SCACR)** by depositing the same in the United States Mail, postage prepaid, addressed to:

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