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Apr 03 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Hon. Donald B. Hocker, Circuit Court Judge

C.A. No.: 2020-CP-36-00382 &
C.A. No.: 2020-CP-36-00384
Appellate Case No 2024-002049

Jefferson Davis, Jr.Appellant,

v.

Chad Connelly, Dave Wilson, Steven Kirkland, Tom Persons, Neil Mellen, E3 Software, LLC,
Endurance International Holdings, Inc., John Doe #1, John Doe #2 & John Does 3-40
..... Respondents.

and

Jefferson Davis, Jr.Appellant,

v.

Chad Connelly, Tom Persons, Geoffery Chambers, Esq. & South Carolina Educational Credit for
Exceptional Needs Children Fund Respondents.

**APPELLANT’S EMERGENCY WRIT OF SUPERSEDEAS &
MOTION TO STAY ENFORCEMENT OF CONTEMPT ORDER PENDING APPEAL**

NOW COME *Pro Se* Appellant above named, on the grounds stated below, and, pursuant to Rules 240(a) and 241(c) of the South Carolina Appellate Court Rules (SCACR), hereby petitions this Honorable Court for an **emergency writ of supersedeas** to stay the Order of Civil Contempt

entered by the Court of Common Pleas on November 25th, 2024, during the pendency of this appeal. In light of the relief requested, and for the reasons detailed further below, Appellants move that the Court expedite consideration of this Emergency Writ of Supersedeas.

INTRODUCTION

The Circuit Court has now conditioned Appellant’s previously granted supersedeas upon the posting of a \$50,000 bond that Appellant is financially unable to post—just as he was financially unable to pay the underlying \$39,443.61 that formed the basis of the original contempt order. Given the extenuating circumstances and irreparable harm (*financially and health-wise*), Appellant is requesting an Emergency Writ of Supersedeas to stay enforcement of the contempt order pending the outcome of this appeal.

PROCEDURAL HISTORY AND FACTS

1. On November 25, 2024, the Circuit Court entered an Order of Willful Civil Contempt against Appellant, directing payment of \$39,443.61 within ten (10) days or face ninety (90) days incarceration.
2. On December 19, 2024, Appellant filed an Emergency Petition for Writ of Supersedeas. On December 20, 2024, this Court issued a temporary stay and **remanded** the matter to the Circuit Court for an expedited hearing on supersedeas, directing Appellant to submit

medical records supporting his sworn affidavit regarding Stage IV colon cancer and related incapacity.

3. After extensive hearings and submission of medical documentation, the Circuit Court issued its May 29, 2025 Order expressly **acknowledging** that Appellant in fact suffers from Stage IV colon cancer, consistent with his prior sworn testimony and affidavits.
4. On February 25, 2026, the Circuit Court issued its Fifth Order **granting supersedeas** and staying enforcement of the contempt order pending resolution of this appeal, based upon the medical information (*past and current*) provided by Appellant.
5. On March 6, 2026, Respondents filed an Amended Motion to Reconsider, Alter, or Amend the Fifth Order. On **March 27, 2026 at 4:15 p.m.**, the Circuit Court entered the **ORDER ALTERING & AMENDING FIFTH ORDER** (the “March 27 Order”), **conditioning** the stay on Appellant posting a **\$50,000 supersedeas bond within ten (10) days** of execution of the order. If the bond is not posted, enforcement of the contempt order (*including potential incarceration*) will proceed. The March 27 Order was issued without a hearing, with the parties’ consent as requested by Appellant **pursuant to the medical advice and sworn affidavit of his treating oncologist**.
6. **Notice issue**: Although Appellant became aware of the March 27 Order via the online docket on March 31, 2026 (*the same day his Initial Brief was due*), the Circuit Court did **not** serve the order on him by email, contrary to its consistent prior practice for all other orders in this matter while he has been proceeding *pro se*. Instead, the Clerk only mailed a copy, postage stamped March 30, 2026 (USPS mark March 30, 2026). Appellant received actual physical service on **April 2, 2026**. This deviation from the Court’s

established service practice created confusion regarding the precise start of the ten-day bond deadline and materially shortened Appellant's time to prepare and file a response.

7. Appellant continues to suffer from **Stage IV colon cancer** and is currently in the **recovery and monitoring phase** following extensive treatment. He has already suffered **two relapses** over the past two years, which appear directly related to the extreme stress caused by the impending enforcement of this contempt finding and the threat of incarceration. Medical records and the Sworn Affidavit of Appellants treating oncologist previously submitted to the Circuit Court (*and maintained under seal pursuant to Appellant's Motion to Seal filed March 31, 2026*) confirm a **guarded prognosis** at least until January 2027. Appellant lacks the present financial ability to post a \$50,000 bond (*just as he lacked the ability to pay the underlying \$39,443.61 judgment*). Both the medical incapacity and resulting financial inability are undisputed in the record and were previously conceded by the Circuit Court.

LEGAL STANDARD

Rule 241(a), SCACR, provides that an appeal does not automatically stay enforcement of a judgment. However, there are very limited and well-defined exceptions that allow for a stay where enforcement would cause irreparable harm. See Rule 241(c), SCACR. An order holding a person in civil contempt is not automatically stayed by the taking of an appeal. *State v. Smith in re Decker*, 322 S.C. 212 (1995). Nevertheless, this Court retains authority to grant supersedeas after the lower court has ruled. Rule 241(d)(2), SCACR.

Civil contempt requires proof of present ability to comply with the court's order. A party cannot be held in contempt for failure to perform an act he is powerless to perform. South Carolina courts must consider financial hardship before imposing legal financial obligations that could lead to incarceration. See *Buist v. Buist* (2014) and *Williamson v. Middleton* (2009) below.

EXTRAORDINARY CIRCUMSTANCES

Appellant is requesting this Emergency Writ of Supersedeas directly to the South Carolina Court of Appeals given the extenuating and unprecedented circumstances of his Stage IV colon cancer, guarded prognosis, history of stress-induced relapses, and undisputed financial inability to comply. Incarceration (*or the continued threat thereof*) would undoubtedly result in irreparable harm to Appellant, thus necessitating an Emergency Writ of Supersedeas.

REASONS FOR GRANTING THE WRIT

The Court should issue the writ for the following reasons:

1. **Appellant is likely to prevail on the merits of the appeal.** The underlying contempt order rests on a now-discredited factual premise. The Circuit Court has already conceded Appellant's Stage IV colon cancer diagnosis and medical incapacity. Inability to comply is a complete defense to civil contempt.
2. **Appellant will suffer irreparable injury if the writ is not granted.** Enforcement of the contempt order (*or the \$50,000 bond condition that Appellant cannot meet*) would expose

him to incarceration or continued extreme stress during a guarded Stage IV cancer prognosis - precisely the irreparable harm this Court previously recognized when it granted the temporary stay on December 20, 2024.

3. **Respondents will suffer no substantial harm if the writ is granted.** Respondents have already waited more than sixteen months since the original contempt order. A stay pending resolution of the appeal causes them no additional prejudice, especially where the underlying judgment concerns attorney's fees (*that have already been paid by Respondent's insurance carrier*) that this Court can ultimately address.
4. **Granting the writ will aid in the ultimate recovery, if any.** Allowing Appellant to avoid incarceration and further health deterioration preserves his ability to address the underlying appeal on the merits without collateral harm.
5. **Denial of the writ would result in a miscarriage of justice.** To condition a stay on a bond that Appellant cannot post - after the Circuit Court has already acknowledged his medical condition and financial inability - would perpetuate the very injustice the Fifth Order was intended to prevent.

OTHER CASELAW FOR CONSIDERATION

(1) **Buist v. Buist, 410 S.C. 569, 766 S.E.2d 381 (2014)**

- a. **Relation to the Case:** This case underscores the importance of evaluating a party's financial ability to pay attorney's fees. The South Carolina Supreme Court held that

courts must consider financial hardship and the impact of such fees on a person's standard of living.

b. Argument:

- i. Appellant is not refusing to pay, but is unable to due to extraordinary medical expenses in excess of \$530k. This aligns with the court's requirement to consider financial hardship before imposing legal financial obligations.
- ii. Requesting a Writ of Supersedeas to delay enforcement or a payment plan would allow Appellant to meet obligations in a way that does not further degrade his financial and medical situation. This would also fulfill the court's directive to ensure fairness in the imposition of attorney's fees.

(2) Williamson v. Middleton, 383 S.C. 490, 681 S.E.2d 867 (2009)

- a. **Relation to the Case:** In Williamson v. Middleton, the South Carolina Court of Appeals addressed the need to consider the financial realities of the parties involved when awarding attorney's fees. The court underscored that any such award should not impose an undue financial burden on the paying party, ensuring fairness in the imposition of legal financial obligations.

b. Argument:

- i. Imprisoning for inability to pay exacerbates an already undue financial burden and would be disproportionate under Williamson. The court's obligation is to tailor financial orders to the circumstances of the payer, and in this case the Appellant does not currently have an ability to pay due to extenuating medical circumstances.

- ii. A payment plan acknowledges the court's authority to enforce obligations while mitigating undue hardship, in line with Williamson's precedent that fairness and equity must guide financial judgments.

RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that this Court:

- a. Grant this **Emergency Petition for Writ of Supersedeas** and issue an immediate **temporary stay** of enforcement of the November 25, 2024 contempt order, **without** the requirement of a \$50,000 bond (*or, in the alternative, with a nominal or reduced bond commensurate with Appellant's demonstrated inability to pay*);
- b. Stay enforcement pending final resolution of this appeal;
- c. Expedite consideration of this Petition and, if necessary, rule *ex parte* or on an emergency basis prior to the expiration of the ten-day bond period;
- d. Grant such other and further relief as this Court deems just and proper.

CONCLUSION

The undersigned would respectfully request that this Court grant his Emergency Writ of Supersedeas for the reasons detailed above, and that any enforcement of the civil court Order requiring a 90-day incarceration be stayed pending this appeal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'J.D.', written in a cursive style.

Date: April 3rd, 2026

Jefferson Davis, Jr., Appellant
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com

VERIFICATION

I, Jefferson Davis, Jr., declare as follows:

1. I am the Appellant *Pro Se* in this matter.
2. I have personal knowledge of the factual statements contained in this Emergency Writ of Supersedeas based on a review of my files and records in this case, and if called upon to testify, I would competently testify as to the matters stated herein.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.



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APPELLANT

Dated: April 3, 2026

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PROOF OF SERVICE

I certify that I have served **APPELLANT’S EMERGENCY WRIT OF SUPERSEDEAS** on the below named parties via First Class Mail **and email** on **April 3rd, 2026.**

[CONTINUED ON NEXT PAGE.]

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**Non-Party - Educational Credit For Exceptional Needs
Children Fund (ECENC Fund, aka Exceptional SC)**

[CONTINUED ON NEXT PAGE.]

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SC Court of Appeals

VIA USPS & Email (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Appellate Case No 2024-002049 - \$50 Filing Fee - EMERGENCY WRIT

Dear Ms. Kitchings:

Please find enclosed the \$50 filing fee for **APPELLANT'S EMERGENCY WRIT OF SUPERSEDEAS & MOTION TO STAY ENFORCEMENT OF CONTEMPT ORDER PENDING APPEAL** filed by email.

Thank you for your assistance. If you have any questions, please feel free to email me at jeff@apogeetax.com or give me a call at 843-901-8036 (cell).

Sincerely,



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