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Apr 10 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Judge George M. McFaddin, Jr., Circuit Court Judge

Honorable Judge Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2026-000201

Cheryl Carter, Pro Se..... Appellant,

v.

McElveen Buick GMC, Inc. Respondent.

**RESPONDENT’S MOTION FOR RECONSIDERATION OF ORDER DENYING
MOTION TO DISMISS, GRANTING APPELLANT’S MOTION TO ORDER
TRANSCRIPTS OUT OF TIME, AND DENYING APPELLANT’S REQUEST TO
FILE RETURN OUT OF TIME**

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INTRODUCTION

Respondent McElveen Buick-GMC, Inc. (“Respondent”), by and through undersigned counsel, respectfully moves this Court to reconsider its March 30, 2026 Order, to grant Respondent’s Motion to Dismiss, and to deny Appellant’s request for any extension of time. In support, Respondent states:

Reconsideration is warranted because the Order overlooked material procedural defects that require dismissal, credited no cognizable showing of good cause or excusable neglect for Appellant’s serial noncompliance, and undermines the finality and orderly administration of the appellate process.

RELEVANT PROCEDURAL TIMELINE

- a. On February 10, 2026, Appellant moved to allow her to order the transcripts out of time.
- b. On February 17, 2026, Respondent filed a return opposing Appellant’s motion and moved to dismiss the appeal.
- c. On March 6, 2026, Appellant filed a return to Respondent’s motion to dismiss, simultaneously requesting permission to file that return out of time.
- d. By Order filed March 30, 2026, the Court denied Appellant’s request to file her return out of time, denied Respondent’s motion to dismiss the appeal, and granted Appellant’s motion to order the transcripts out of time. The Order notes that documentation on file with the Court shows Appellant ordered the transcripts.

ARGUMENT: GROUNDS FOR RECONSIDERATION

A. APPELLANT FAILED TO PERFECT THE APPEAL UNDER RULE 207(A)(1), SCACR, AND DISMISSAL IS REQUIRED.

Respondent's Motion to Dismiss established that Appellant was required to order the transcript within ten (1) days after service of the Notice of Appeal, yet she failed to do so and instead sought leave out of time. Respondent specifically argued that the deadline was no later than January 19, 2026 (or, allowing for mail, January 24, 2026), and that even an amended notice would not restart the Rule 207 clock.

Respondent further showed Appellant inconsistently asserted a January 27, 2026, filing date for the Notice of Appeal, which still would not render the transcript request timely.

The Court's Order grants Appellant permission to proceed with transcripts despite these unrefuted Rule 207 violations. The Court's Reconsideration should correct this procedural error, enforce Rule 207(a)(1), and dismiss for failure to perfect the appeal.

B. APPELLANT SHOWED NO COGNIZABLE GOOD CAUSE OR EXCUSABLE NEGLIGENCE, AND HER EXTENSION REQUEST LACKED REQUIRED EVIDENTIARY SUPPORT.

With the timely filing of an Opposition Motion, Respondent opposed Appellant's extension because her filing lacked supporting affidavits or documents required by Rule 240(c), SCACR, and she identified no authority establishing excusable neglect.

Appellant's own filings reflect repeated noncompliance with multiple appellate rules, including Rules 203, 240(c), and 267, which Respondent identified as independent bases for dismissal or denial of relief.

Granting relief in the absence of the rule-required proof was an error. The Court's reconsideration should deny Appellant's extension of time.

C. THERE SHOULD BE FINALITY AND ORDERLY PROCESS ESPECIALLY WHEN THERE IS NO NEW EVIDENCE AND NO PREJUDICE SHOWING TO JUSTIFY EXTRAORDINARY RELIEF.

The Court's March 30, 2026 Order relied on the fact that the transcripts had been ordered by Appellant prior to the issuance of the Order, but Appellant's after-the-fact step is not "new evidence" and cannot cure jurisdictional or mandatory-rule defects.

Instead, allowing retroactive cures encourages further noncompliance, burdens opposing parties, and erodes finality that the Court rules set to establish. Reconsideration should restore adherence to mandatory timelines and further the purpose and integrity of this Court's rules.

D. APPELLANT'S PATTERN OF DELAY AND RULE DEVIATIONS SHOULD NOT BE EXCUSED.

Respondent's Motion detailed multiple deficiencies in Appellant's notices and motions, including form, content, and timing defects, and requested dismissal with prejudice or, at minimum, denial of any extension. There is not a separate standard for parties who choose to go unrepresented, and there should not be. The timeliness requirements, form requirements, and content requirements established in the Court's rules are all sound in their reasoning and necessity and they are published by this Court for the purpose of being followed.

Excusing serial noncompliance here would create inequity for parties who follow the rules and invite further disregard of the SCACR.

REQUESTED RELIEF

Respondent respectfully requests that the Court grant reconsideration and:

- a) Grant Respondent's Motion to Dismiss for failure to perfect the appeal under Rule 207(a)(1), SCACR;

- b) In the alternative, dismiss pursuant to Rule 260(a), SCACR, based on Appellant's noncompliance with Rules 203, 240(c), and 267;
- c) Deny Appellant's request for an extension of time to order transcripts; and
- d) Grant such other and further relief as the Court deems just and proper.

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PROOF OF SERVICE

The undersigned certifies that the Respondent’s Motion for Reconsideration of Order Denying Motion to Dismiss, Granting Appellant’s Motion to Order Transcripts Out of Time, and Denying Appellant’s Request to File Return Out of Time were served on Appellant via e-mail and first-class mail on April 10, 2026 as follows:

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