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Apr 10 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Charles M. Watson, Jr., Special Referee

Case No. 2025-000569

Greenwood Mills, Inc., Respondent,

v.

Rodney White, Appellant.

RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR EXTENSION AND
MOTION TO DENY ADDITIONAL EXTENSIONS, EXCLUDE UNTIMELY-FILED
BRIEFS AND FOR CLARIFICATION OF DEADLINE CALCULATIONS

Brandon A. Smith
Law Offices of Brandon A. Smith, LLC
104 Maxwell Ave.
Suite 500
Greenwood, SC 29646
Attorney for Respondent
Greenwood Mills, Inc.

NOW COMES Respondent, Greenwood Mills, Inc., by and through its undersigned counsel, respectfully moving to: (1) deny any additional requests for extensions from Appellant, (2) exclude Appellant's untimely-filed reply brief and (3) provide explanation for the manner of calculation for recent deadlines set by this Court. In support of this motion, Respondent shows as follows:

1. Appellant, through his counsel at the time, filed his Notice of Appeal a year ago on March 21, 2025.

2. After seeking and receiving an extension of time to order the transcript, Appellant, through his counsel at the time, moved on May 15, 2025 for an extension of thirty (30) days to file his initial brief. The Court granted Appellant an additional thirty (30) days to file his initial brief and designation of matter the same day without seeking input from Respondent.

3. Appellant, through his counsel at the time, moved for another extension to file his initial brief on June 19, 2025. This time, Appellant requested an additional three (3) days. The Court granted Appellant an additional thirty (30) days for filing of the initial brief and designation of matter. In its order, the Court stated, "[n]o further extensions will be granted absent extraordinary circumstances."

4. On July 21, 2025, Appellant, through his counsel at the time, filed his initial brief and designation of matter.

5. Nine (9) days later, Appellant's counsel filed a motion to withdraw as counsel and, at Appellant's request, a motion to withdraw Appellant's initial brief and designation of record. Respondent indicated its consent to Appellant counsel's withdrawal as counsel as long as no additional delays in the matter resulted. After curing deficiencies

in the filing, the Court on August 18, 2025 granted both motions and gave Appellant thirty (30) days to retain new counsel or be deemed proceeding pro se.

6. After receiving no notice of appearance by new counsel on behalf of Appellant, the Court informed Appellant of his pro se status and granted an additional thirty (30) days from September 23, 2025 to file his initial brief and designation of record.

7. Upon the expiration of those thirty (30) days, the pro se Appellant filed a motion requesting, among other things, a sixty (60) day extension of time to “make necessary filings to correct or supplement the appellate record.” The Court responded by granting Appellant another extension until November 24, 2025 to file his initial brief and designation of record.

8. Appellant again failed to file timely his initial brief and designation of record within the generous periods provided by the Court.

9. Despite Appellant providing no evidence of extraordinary circumstances supporting yet another extension of time, this Court on December 4, 2025 granted Appellant an additional ten (10) days to serve and file his initial brief and designation of matter and stated yet again: “[n]o additional extensions of time will be granted. If appellant fails to comply, this court will dismiss the appeal.”

10. On December 15, 2025, Appellant filed his new initial brief and Designation of Matter.

11. On January 13, 2026, Respondent filed and served its initial brief on Appellant by United States Mail.

12. On January 27, 2026, Appellant filed both an initial reply brief and a Motion for Relief under “Rule 2, SCACR,” Rule 201, SCRE, and the Court’s “inherent authority.” Respondent filed its Return to Appellant’s Motion for Relief on February 6, 2026.

13. On February 23, 2026, the Court sent Appellant a letter informing him that his motion for an extension of time to serve and file the final brief was premature, the final brief was not yet due and the Record on Appeal was due to be served on March 13, 2026. The Court took no action on Appellant’s motion.

14. On March 13, 2026, the day the Court identified as the deadline for serving the Record on Appeal, Appellant filed a motion requesting a thirty (30) day extension. In support of that motion, Appellant stated only that he had encountered “significant difficulty compiling and organizing the designated materials” due to “circumstances beyond Appellant’s control.” Appellant identified no specific circumstances and provided no supporting documentation. Appellant also falsely represented that no party would be prejudiced by the requested extension. Appellant made no representation that he had taken any steps toward compiling the Record on Appeal during the eighteen (18) days following the Court’s February 23, 2026 letter. Despite repeated representations by the Court that Appellant would not be granted any additional extensions of time, the Court granted Appellant an additional thirty (30) days the same day without seeking input from Respondent.

15. On April 10, 2026, Appellant made yet another request for an extension of time, seeking additional time to “finalize and serve the Record on Appeal.”

I. APPELLANT SHOULD BE GRANTED NO MORE EXTENSIONS FOR ANY DEADLINES.

Despite Appellant filing his Notice of Appeal over a year ago, he has yet to serve Respondent with the Record on Appeal. Greenwood Mills, the Trial Court and this Court have been nothing but patient with Appellant throughout the entire process, but all parties are constitutionally entitled to resolution of matters within a reasonable amount of time.

Appellant's repeated claim that no party will be prejudiced by a further extension is without merit. Respondent prevailed below on the only issue appealed to this Court, and every additional extension delays final resolution of this matter and hinders property rights.

Appellant invokes an unknown "Rule 2" in support of his vague appeal to suspend procedural rules. Appellant has weaponized the legal system with delays and continues to seek to do so.

II. THIS COURT SHOULD STRIKE APPELLANT'S INITIAL REPLY BRIEF AS UNTIMELY FILED UNDER RULE 208(a)(3), SCACR.

Appellant's reply brief, filed on January 27, 2026, was not timely filed under Rule 208(a)(3), SCACR and should not be recognized as a timely filed brief for any purpose under these Rules.

Rule 208(a)(3), SCACR provides that if a reply brief is prepared, Appellant shall serve and file the reply brief within ten (10) days after service of Respondent's brief. Respondent's served its initial brief on Appellant by United States Mail on January 13, 2026. Rule 263, SCACR expressly provides that no additional time is allowed after service by mail in appellate proceedings and that Rule 6(e), SCRCRCP is not applicable to these

Rules. Accordingly, Appellant's reply brief was due no later than January 23, 2026. Appellant filed his reply brief on January 27, 2026, four (4) days after that deadline.

Respondent raised this issue in its Return to Appellant's Motion for Relief, noting that Appellant's reply brief was filed "more than ten (10) days after filing of Respondent's Initial Brief." The Court subsequently denied Appellant's Motion for Relief and stated it "will address the appeal after full briefing by the parties." Respondent submits that resolution of this appeal must be based on timely-filed briefs, which does not include Appellant's untimely-filed reply brief.

South Carolina courts have recognized that the right to an appeal may be lost by the failure to serve and file required documents under Rules 208, 210, and 211, SCACR. *State v. Serrette*, 375 S.C. 650, 654 S.E.2d 554 (Ct. App. 2007). The burden is on Appellant to comply with all procedural requirements of these Rules. *Id.*

III. THE RECORD ON APPEAL DEADLINE RAN FROM JANUARY 13, 2026.

Under Rule 210(a), SCACR, Appellant was required to serve the Record on Appeal within thirty (30) days after service of the last brief. Because Appellant's reply brief was not timely filed under Rule 208(a)(3), SCACR, it cannot serve as the "last brief" for purposes of the Rule 210(a) deadline. Allowing an untimely brief to reset that deadline would permit Appellant to benefit from his own failure to comply with the Rules. South Carolina appellate courts have no authority or discretion to rescue a delinquent party from missed appellate deadlines. *See Elam v. S.C. Dept of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004).

The last timely brief was Respondent's initial brief, served January 13, 2026. Thirty (30) days from January 13, 2026 placed the Record on Appeal deadline at February 12, 2026. Appellant made no effort to serve the Record on Appeal by that date.

Even accepting January 27, 2026 as the trigger date, thirty (30) days from that date placed the deadline at February 26, 2026. Appellant again made no effort to serve the Record on Appeal by that date.

Under either calculation, Appellant missed the deadline by weeks. The Court notified Appellant in writing on February 23, 2026 that the Record on Appeal was due on March 13, 2026. Appellant waited until that date to request an extension, offering only vague and unsupported assertions of difficulty. Appellant has not met the standard of extraordinary circumstances that this Court has required. In fact, the record reflects nothing more than a continued pattern of delay by Appellant, who has repeatedly sought and received extensions to which he was not entitled at the expense of a Respondent who has already prevailed below.

For all the foregoing, Respondent respectfully requests this Court grant Appellant no more extensions of time for deadlines. Appellant has had over a year to prosecute this appeal. He has received extension after extension, been warned on multiple occasions that no further extensions would be granted and has still failed to comply with this Court's deadlines. Further, this Court should not consider Appellant's untimely filed initial reply brief and enforce the deadlines set by the South Carolina Appellate Court Rules.

(SIGNATURE PAGE TO FOLLOW)

WHEREFORE, Respondent respectfully moves before this Court.

LAW OFFICES OF BRANDON A. SMITH, LLC

/s/ Brandon A. Smith
104 Maxwell Ave.
Greenwood, SC 29646
(864) 229-4076
bsmith@basmithlaw.com
Attorney for Respondent

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PROOF OF SERVICE

The undersigned certifies that he, as counsel for Respondent Greenwood Mills, Inc., has served as copy of Respondent's Return to Appellant's Motion for Extension and Motion to Deny Additional Extensions, Exclude Untimely-Filed Briefs and for Clarification of Deadline Calculations on Appellant at the following address registered with this Court.

Rodney White
341 Maxwell Ave.
Greenwood, SC 29646

(SIGNATURE PAGE TO FOLLOW)

/s/ Brandon A. Smith

Brandon A. Smith

Law Offices of Brandon A. Smith, LLC

104 Maxwell Ave.

Greenwood, SC 29646

Attorney for Respondent

Greenwood Mills, Inc.