

Amended Final Brief

South Carolina Court of Appeals

INTRODUCTION

This appeal arises from a civil action filed in the York County Court of Common Pleas, South Carolina, in which the Appellant, Kong Jian Lin, sought relief against the Defendant, Lin Yi Tong, also known as Tony Lin (R. p. 6–7).

Despite the Appellant’s diligent efforts to prosecute the case, the proceedings below were affected by serious procedural irregularities (R. p. 8–10, 30) that deprived the Appellant of a fair adjudication on the merits.

The Appellant respectfully seeks reversal and remand so that his claims may be properly heard and decided in accordance with law and due process.

STATEMENT OF FACTS

The Appellant commenced this civil action seeking relief for damages arising from the Defendant’s conduct (R. p. 6–7).

After filing the action, the Appellant repeatedly attempted to advance the case in compliance with court rules, including filing motions, submitting written requests, and attempting service and notice as required (R. p. 8–10, 30).

Throughout the proceedings, the Defendant failed to meaningfully appear or defend (R. p. 11–19, 20–29).

Despite the Defendant’s non-participation, the lower court issued rulings that prevented the Appellant from obtaining a merits-based determination of his claims, resulting in substantial prejudice (R. p. 3–5).

ISSUES PRESENTED

1. Whether the lower court committed reversible error by terminating the Appellant's action without a merits-based adjudication despite the Defendant's failure to appear or defend.
2. Whether the lower court violated the Appellant's right to due process by failing to address critical motions and requests submitted by a self-represented litigant.
3. Whether the lower court abused its discretion by applying procedural rules in a manner that substantially prejudiced the Appellant while permitting the Defendant's non-participation.

ARGUMENT

Cases should be resolved on their merits whenever possible. Here, the lower court effectively terminated the Appellant's case without considering the substance of his claims (R. p. 3–5), despite the Defendant's failure to participate (R. p. 11–19, 20–29).

Additionally, the court failed to rule on critical motions (R. p. 8–10, 30), denying the Appellant a meaningful opportunity to be heard.

Such actions violated fundamental principles of due process and amounted to an abuse of discretion requiring reversal and remand.

CONCLUSION

For the foregoing reasons, the Appellant respectfully requests that this Court reverse the rulings of the lower court and remand this matter for further proceedings consistent with law and due process.

Respectfully submitted,

Kong Jian Lin

Appellant (Pro Se)