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Apr 16 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas
Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2024-002049
Civil Action Nos. 2020-CP-36-00382 & 00384

Jefferson Davis, Jr. Appellant,

v.

Chad Connelly, Dave Wilson, Stephen 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, Geoffrey Chambers, Esq., and South Carolina
Educational Credit for Exceptional Needs Children Fund Respondents.

**RESPONDENTS CHAD CONNELLY, DAVE WILSON, TOM PERSONS, AND
NEIL MELLEN’S RETURN TO APPELLANT’S EMERGENCY WRIT OF SUPERSEDEAS &
MOTION TO STAY ENFORCEMENT OF CONTEMPT ORDER PENDING APPEAL**

Respondents Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen (“Respondents”) hereby respond to Appellant’s Emergency Writ of Supersedeas & Motion to Stay Enforcement of Contempt Order Pending Appeal filed on April 3, 2026 (“Motion for Stay”) in which Appellant requests this Court review the circuit court’s Order Altering & Amending Fifth

Order conditioning the circuit court's grant of supersedeas upon the filing by Appellant of a bond or undertaking sufficient to secure the award of civil contempt pursuant to Rule 241(c)(3), SCACR. This Court should deny Appellant's motion because the circuit court did not abuse its discretion in conditioning the grant of supersedeas upon Appellant's filing of a bond or undertaking sufficient to secure the award of civil contempt on appeal.

Background

As Appellant notes in the Motion to Stay, this Court temporarily stayed the effect of the subject Orders of Civil Contempt and remanded Appellant's petition for supersedeas to the trial court for disposition in accordance with Rule 241(d)(1), SCACR. (Ct. App. Or., Dec. 20, 2024; *see also* Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedeas as provided by Rule 241. Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal.")). In accordance with this Order, the circuit court granted Appellant's petition for writ of supersedeas conditioned upon the filing by Appellant of a bond or undertaking sufficient to secure the award of civil contempt pursuant to Rule 241(c)(3), SCACR. Appellant now moves this Court for review of the circuit court's Order Altering & Amending Fifth Order conditioning the grant of supersedeas upon the filing by Appellant of a bond.

Applicable Law

"After service of notice of appeal . . . any party may move for an order imposing a supersedeas of matters decided in the order, judgment, decree or decision on appeal after service of the notice of appeal." Rule 241(c)(1), SCACR. "The granting of supersedeas . . . may be conditioned upon such terms, including but not limited to the filing of a bond or undertaking, as the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may deem appropriate." Rule 241(c)(3), SCACR. The purpose of such a bond is to protect the opposing party in the event a stayed judgment is ultimately affirmed by the appellate court. See, e.g., AJG Holdings, LLC v. Dunn, 382 S.C. 43, 49-50, 674 S.E.2d 505, 508 (Ct. App. 2009). "The

granting of a motion for a stay of proceedings rests entirely within the discretion of the trial Judge.” Spartanburg v. Belk’s Dep’t Store, 199 S.C. 458, 20 S.E.2d 157 (1942). The circuit court also has discretion to condition a grant of supersedeas, such as a bond. See id.; Rule 241(c)(3), SCACR; see also e.g., S.C. Code § 6-29-830. “An abuse of discretion occurs when the decision of the trial court is unsupported by the evidence or controlled by an error of law.” AJG Holdings, LLC, 382 S.C. at 49-50, 674 S.E.2d at 508.

Argument

In the Motion to Stay, Appellant requests that this Court overrule the discretion of the circuit court in conditioning the grant of supersedeas upon Appellant’s filing of a bond on the grounds that (1) Appellant does not have the financial ability to obtain the bond, (2) Appellant will suffer harm upon having to obtain a bond, and (3) that Respondents will suffer no substantial harm upon the removal of the bond requirement because over sixteen months have passed since the award of civil contempt. In essence, Appellant argues that circuit court abused its discretion because the conditioning of the supersedeas upon the filing of a bond was unreasonable or inappropriate under the circumstances. Appellant, however, has produced no argument or evidence that the circuit court’s conditioning of the supersedeas upon the filing of a bond is unsupported by the evidence or controlled by an error of law. Appellant merely asserts that he does not have the financial ability to obtain the bond and that Respondents will suffer no substantial harm upon the removal of the bond requirement because over sixteen months have passed since the subject judgment.

As a threshold matter, the circuit court did not make an error of law in determining that the grant of supersedeas should be conditioned upon the filing of a bond. The South Carolina Appellate Court Rule governing grants of supersedeas expressly provides that granting of supersedeas may be conditioned upon such terms as the lower court deems appropriate, including but not limited to the filing of a bond. Rule 241(c)(3), SCACR. Moreover, South Carolina courts routinely require the filing of a bond upon grants of supersedeas. Accordingly, the circuit court acted in accordance

with South Carolina law in exercising its discretion to condition the grant of supersedeas upon the filing of a bond.

In addition, the need for conditioning of the grant of supersedeas upon the filing of a bond sufficient to secure the award of civil contempt is supported by the evidence and appropriate under the circumstances. The circuit court previously determined that Appellant has not produced evidence addressing his inability to pay the underlying contempt fees and costs. (Hocker Or., May 29, 2025, pp. 2-3, 4.) Appellant also has previously failed to comply with various orders of the circuit court and of the South Carolina Court of Appeals requiring him to pay sanctions, attorneys' fees, and costs. See Hocker Or. Civil Contempt, Dec. 12, 2024. These include Appellant's disregard of the South Carolina Court of Appeals' Order granting attorney's fees and costs against Appellant filed on June 10, 2024, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382, Appellate Case No. 2023-001623, and the South Carolina Court of Appeals' Order granting attorney's fees and costs against Appellant filed on February 28, 2024, in the Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00093, Appellate Case No. 2020-001348. Id. The record before the circuit court demonstrates that the conditioning of the grant of supersedeas upon the filing of a bond is required for equity to protect Respondents in the event a stayed judgment is ultimately affirmed by the appellate court while statutory interest continues to accrue on the underlying judgments—the validity of which are not contested by Appellant. In fact, the circuit court expressly found that such a bond is necessary and appropriate and that “[Respondents] are entitled to security in the form of supersedeas bond and that it is necessary for equity that this Court condition the granting of supersedeas upon [Appellant's] provision of a bond or undertaking sufficient to secure the award of civil contempt and any additional statutory interest that will likely accrue through pendency of the appeal.” (Or. Altering & Amending Fifth Order, Mar. 27, 2026.) As a result, this Court should deny Appellant's motion because the circuit court did not abuse its discretion in conditioning the grant of supersedeas upon Appellant's filing of a bond or undertaking sufficient to secure the award of civil contempt on appeal.

Respectfully submitted,

s/Justin P. Novak _____

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PROOF OF SERVICE

I, the undersigned employee of Barnwell Whaley Patterson & Helms, LLC, herby certify that pursuant to Rules 240 and 262(b), SCACR, I have served the ***Respondents Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen's Return to Appellant's Emergency Writ of Supersedeas & Motion to Stay Enforcement of Contempt Order Pending Appeal*** in this matter upon the Clerk of the South Carolina Court of Appeals, all counsel of record, and all pro se parties by electronic mail on April 16, 2026, to the following addresses:

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April 16, 2026