

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

Judge G. D. Morgan
Case No. 2024-CP-23-00312
Appellate Case No.: 2024-000731

Christopher Jones,

Appellant,

v.

D&B Real Estate Ventures, LLC; Darius Jones; Bradley Robinson,

Respondents.

APPELLANT’S RESPONSE IN OPPOSITION TO RESPONDENTS’ MOTION TO
ALLOW LATE FILING OF RETURN

I. INTRODUCTION AND SUMMARY OF ARGUMENT

Appellant Christopher Jones (“Appellant”), appearing pro se, respectfully submits this Response in Opposition to Respondents’ Motion to Allow Late Filing of Return filed April 6, 2026. Respondents’ Motion asks this Court to accept their Response in Opposition to Appellant’s Motion for Extension of Time despite Respondents’ conceded failure to file it within the time period prescribed by the South Carolina Appellate Court Rules. The Motion should be DENIED.

Respondents’ Motion is particularly inequitable given their litigation posture throughout this appeal. Respondents have filed four successive motions to dismiss this appeal — each targeting technical procedural deficiencies by Appellant — while simultaneously seeking their own procedural indulgence from this Court. Having demanded strict enforcement of every rule against Appellant, Respondents cannot credibly ask this Court to excuse their own untimely filing.

II. RESPONDENTS' MOTION FAILS TO ESTABLISH GOOD CAUSE FOR THE LATE FILING

Respondents' Motion offers only a single justification for their untimely filing: that it "occurred in the context of ongoing procedural issues in this appeal and while evaluating whether a response was necessary under the circumstances." Motion, ¶4. That explanation does not constitute good cause.

First, the existence of "ongoing procedural issues" does not excuse non-compliance with filing deadlines. If anything, Respondents' own extensive participation in the procedural history of this appeal — including filing four motions to dismiss and a prior extension request — demonstrates that they were fully aware of this Court's rules and deadlines throughout the pendency of this appeal.

Second, Respondents' admission that they were "evaluating whether a response was necessary" is not a recognized basis for excusing an untimely filing. The deadline for responding to a motion does not pause while a party deliberates over whether to respond. Respondents made a litigation decision and missed the deadline as a result. That is precisely the kind of circumstance that appellate rules are designed to address by simply deeming the motion unopposed.

Third, Respondents offer no affidavit, no explanation of when they learned of the deadline, and no accounting of the specific circumstances that caused the late filing. The bare assertion that the delay was "not the result of bad faith" is insufficient to establish good cause. See *Sundown Operating Co. v. Intedge Indus., Inc.*, 383 S.C. 601, 607, 681 S.E.2d 885, 888 (2009).

III. RESPONDENTS' INEQUITABLE CONDUCT WEIGHS AGAINST RELIEF

Throughout this appeal, Respondents have consistently demanded that this Court apply its procedural rules with maximum strictness against Appellant. Respondents have argued, in four successive motions to dismiss, that Appellant's technical deficiencies in assembling the Record on Appeal — deficiencies involving formatting and physical pagination rather than substantive omissions — warrant dismissal with prejudice.

Now, having themselves filed an untimely response, Respondents seek exactly the kind of procedural leniency they have repeatedly argued should be denied to Appellant. This Court should

not reward that inconsistency. A party who demands strict procedural compliance from its opponent cannot simultaneously invoke the Court's equitable discretion to excuse its own non-compliance. To permit otherwise would produce a fundamentally unequal application of this Court's rules.

Additionally, Respondents previously obtained their own extension of time in the briefing schedule. Having benefitted from this Court's procedural flexibility once already, Respondents' demand for a second accommodation — while opposing any accommodation for Appellant — is not consistent with equitable principles.

IV. THE UNTIMELY FILING PREJUDICES APPELLANT

Accepting Respondents' late-filed opposition would prejudice Appellant. Appellant filed his Motion for Extension of Time on March 9, 2026, in good faith and in accordance with this Court's rules. Had Respondents timely filed an opposition or elected not to respond, Appellant would have had a clear and predictable procedural posture. Allowing Respondents to file late — after Appellant has already had to address the substance of Respondents' pending Motion for Dismissal — creates additional procedural burden on a pro se litigant that would not exist had the rules been followed.

Moreover, this Court has consistently recognized that pro se litigants are entitled to less stringent procedural standards than represented parties. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). That principle applies with equal force in evaluating whether to accept a late filing from represented counsel that further complicates a pro se appellant's ability to navigate this appeal.

V. CONCLUSION AND PRAYER FOR RELIEF

For all of the foregoing reasons, Appellant Christopher Jones respectfully requests that this Honorable Court:

1. DENY Respondents' Motion to Allow Late Filing of Return in its entirety;
2. STRIKE or DISREGARD Respondents' untimely Response in Opposition to Appellant's Motion for Extension of Time;
3. DEEM Appellant's Motion for Extension of Time unopposed or, in the alternative, GRANT the Motion on the merits for the reasons set forth in Appellant's prior filings;
4. ALLOW this appeal to proceed to a determination on the merits; and
5. GRANT such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/ Christopher Jones
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April 15, 2026

RECEIVED

Apr 15 2026

SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2026, I served a true and accurate copy of the foregoing Appellant's Response in Opposition to Respondents' Motion to Allow Late Filing of Return upon the following counsel of record by depositing same in the United States Mail, postage prepaid, and by electronic mail:

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