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SC Court of Appeals

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 REPLY IN OPPOSITION TO RESPONDENTS' RESPONSE IN
OPPOSITION TO APPELLANT'S MOTION FOR EXTENSION OF TIME, AND
APPELLANT'S MOTION FOR PROTECTIVE ORDER RESTRAINING FURTHER
SERIAL DISMISSAL MOTIONS**

I. INTRODUCTION

Appellant Christopher Jones ("Appellant"), appearing *pro se*, respectfully submits this Reply in opposition to Respondents' Response in Opposition to Appellant's Motion for Extension of Time (the "Response"), filed April 6, 2026, and simultaneously moves this Court for a Protective Order restraining Respondents from filing further serial motions to dismiss predicated upon technical record deficiencies.

Respondents' Response is a study in procedural self-contradiction. On the one hand, Respondents urge this Court to deny Appellant's request for more time to cure a technical record deficiency. On the other hand, Respondents themselves arrived before this Court on April 6, 2026, with their own Motion to Allow Late Filing of Return — expressly asking this Court for the same procedural grace they now seek to deny Appellant. The audacity of this position cannot be overstated. A party that demands the Court's indulgence for its own untimely filing forfeits any equitable standing to oppose the opposing party's request for identical relief.

Moreover, this is Respondents' fourth motion or filing seeking dismissal of this appeal. Not once in any of those submissions have Respondents engaged with the substance of Appellant's fully briefed arguments on the merits — arguments that directly address the trial court's erroneous dismissal of Appellant's claims. Respondents' entire appellate strategy has been to exploit technical procedural deficiencies while saying nothing about whether the trial court got it right. That strategy should not be rewarded with dismissal.

Appellant respectfully urges this Court to:

- (1) GRANT the Motion for Extension of Time;
- (2) DENY Respondents' pending Motion to Dismiss; and
- (3) ENTER a Protective Order prohibiting Respondents from filing further motions to dismiss based solely on technical record formatting deficiencies, absent a showing of substantive, incurable prejudice.

II. RESPONDENTS HAVE JUDICIALLY ADMITTED THEIR LACK OF EQUITABLE STANDING TO OPPOSE THIS MOTION

Respondents filed their own Motion to Allow Late Filing of Return on April 6, 2026 — the very same date they filed their Response opposing Appellant's Motion for Extension of Time. In their own Motion to Allow Late Filing, Respondents candidly acknowledge that their Response "was filed outside the time period prescribed by the South Carolina Appellate Court Rules." Motion to Allow Late Filing, ¶3. Respondents further concede the late filing "was not the result of bad faith."

This is precisely the same argument Appellant advances in support of his Motion for Extension of Time: that the record deficiency is not the product of bad faith, that Appellant has acted in good faith throughout this appeal, and that this Court should exercise its discretion to permit a cure. Respondents cannot coherently ask this Court to extend them the very latitude they argue should be denied to Appellant.

The legal doctrine of *tu quoque* — and more precisely the equitable principle that a party seeking equity must do equity — bars Respondents from taking this position. Courts throughout South Carolina have recognized that a party's own conduct directly bears on the equitable weight of its arguments before the Court. Having requested and received the benefit of a late filing, Respondents

stand before this Court with unclean hands in opposing Appellant's request for comparable procedural accommodation.

III. RESPONDENTS' RESPONSE IS INTERNALLY SELF-DEFEATING AND LOGICALLY INCOHERENT

Respondents simultaneously maintain two mutually exclusive propositions before this Court:

Position A: This appeal should be dismissed because the Record on Appeal is deficient and the appeal cannot proceed.

Position B: Respondents are prejudiced because they cannot prepare their Final Brief without a compliant Record on Appeal. *See* Motion for Dismissal, ¶9.

These positions are irreconcilable. If Position A were correct — if this appeal truly cannot proceed and should be dismissed with prejudice — then Position B would be a legal nullity. Respondents would have no need whatsoever to prepare a Final Brief addressing the merits of an appeal they insist cannot go forward. The only coherent reason Respondents are "genuinely prejudiced" by their inability to cite the Record in a Final Brief is that they know this appeal is substantively alive, that Appellant's fully briefed merits arguments are compelling, and that they will be required to defend the trial court's ruling on the merits before this Court.

Respondents' own Paragraph 9 of their Motion for Dismissal thus constitutes a judicial admission that the appeal is substantively viable and that Respondents need to respond to the merits. The evidentiary material was provided in Appellant's filing of his Final Brief, from which the deficiencies were born. In fact, the material the Respondents complains of, is within the Record. The appropriate remedy — the one their own filing actually supports — is not dismissal, but an order granting Appellant the time needed to assemble and serve the complete, consecutively paginated Record on Appeal.

IV. RESPONDENTS HAVE NEVER ENGAGED WITH THE MERITS OF THIS APPEAL — AND FOR GOOD REASON

A review of the appellate docket in this matter reveals a striking pattern: in four separate motions and responses seeking dismissal, Respondents have not once addressed the substantive legal arguments Appellant has raised in his fully briefed appeal. This is not coincidence. It reflects a

deliberate litigation strategy designed to terminate this appeal on procedural grounds before this Court can examine what the trial court actually did.

The trial court dismissed Appellant's claims on the basis of Appellant's alleged lack of licensure. The Respondents have relied on this ruling as a shield without ever articulating — before the trial court or this Court — a substantive legal defense on the merits of the underlying dispute. Appellant's brief squarely addresses the legal and factual errors in the trial court's dismissal. If Respondents' position on the merits were as strong as their procedural posture implies, they would engage with those arguments. They have not. Their silence on the merits speaks volumes.

This Court should not allow serial technical motions to function as a substitute for a substantive defense. The purpose of appellate procedure is to facilitate review of trial court decisions on the merits — not to create a procedural gauntlet through which only the most technically precise pro se litigants can pass.

V. GOOD CAUSE EXISTS TO GRANT THE MOTION FOR EXTENSION OF TIME

Under Rule 263, SCACR, this Court may extend time for good cause shown. The following facts, taken together, constitute good cause:

1. **Appellant is proceeding entirely pro se** in complex appellate proceedings governed by detailed technical rules. The United States Supreme Court has held that pro se filings are to be held "to less stringent standards than formal pleadings drafted by lawyers." *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (per curiam). Although *Haines* arose in the context of pleadings, the principle that courts must liberally construe the filings of unrepresented parties is broadly applied in civil proceedings and supports a lenient approach to technical record deficiencies by pro se appellants.
2. **The deficiencies at issue are exclusively technical in nature.** Appellant has filed a substantive Initial Brief and an Amended Final Brief addressing the merits of this appeal in full. Every document comprising the Record on Appeal is part of the official Greenville County Court of Common Pleas record. Respondents' own counsel served as trial counsel and has had full access to every document throughout the entirety of this litigation. No party has been deprived of access to the underlying record.

3. **Appellant has acted in continuous substantial good faith.** Appellant has not sought to abandon this appeal. He has complied with every substantive requirement and has responded to each deficiency notice. The remaining assembly deficiency — consecutive pagination and physical compilation — is a ministerial task, not a substantive failure. While an appellant does bear the burden of providing a sufficient record to permit appellate review, that burden is not satisfied by the technical perfection of the record's physical assembly alone where, as here, every document is part of the official trial court record and is accessible to all parties.
4. **Respondents have suffered no cognizable prejudice.** Respondents' own counsel has access to the complete trial court record and has had that access throughout. Any claimed inability to prepare a Final Brief is a consequence of the ongoing technical record dispute — a dispute that is entirely resolvable by granting Appellant the extension requested and allowing him to serve the complete, paginated Record.
5. **This Court has previously exercised its discretion to permit cure rather than dismiss.** On January 27, 2026, this Court entered an Order granting Appellant additional time to cure deficiencies rather than allowing a dismissal order to stand. The circumstances warranting that exercise of discretion are present here with equal or greater force.

VI. RESPONDENTS' CITATION TO RULE 260(a), SCACR DOES NOT MANDATE DISMISSAL; THIS COURT RETAINS FULL DISCRETION

Rule 260(a), SCACR does not operate as an automatic termination mechanism. The rule provides for the *issuance* of an order of dismissal when deficiencies persist, but it expressly contemplates reinstatement upon a showing of good cause. More critically, nothing in Rule 260(a) divests this Court of its inherent authority to deny a pending motion to dismiss and direct a cure before any dismissal order issues. This Court has exercised exactly that authority at each prior stage of this appeal by denying Respondents' prior dismissal motions and instead granting Appellant additional time.

The cases Respondents cite provide no support for the proposition that dismissal is mandatory under the facts presented here. Where, as here, a pro se appellant has substantially complied with all substantive requirements, has acted in good faith, has briefed the merits in full, and the only

remaining deficiency is technical assembly, this Court's discretion runs strongly in favor of allowing a cure. South Carolina courts have recognized that a "good cause" standard — the same standard applicable to reinstatement under Rule 260(a) — is a less stringent standard than the "excusable neglect" standard applicable to relief from final judgments. *See Sundown Operating Co. v. Intedge Indus., Inc.*, 383 S.C. 601, 607, 681 S.E.2d 885, 888 (2009) (holding the Rule 55(c) "good cause" standard is less stringent than the excusable neglect standard of Rule 60(b), SCRCP). If good cause is easily satisfied in the default judgment context, it is at least as readily satisfied here, where no judgment has been entered and the only issue is technical assembly of the Record.

VII. THIS COURT SHOULD ENTER A PROTECTIVE ORDER RESTRAINING RESPONDENTS FROM FILING FURTHER SERIAL DISMISSAL MOTIONS PREDICATED ON TECHNICAL RECORD DEFICIENCIES

This is Respondents' fourth filing seeking dismissal of this appeal. Each prior motion was denied, rejected, or rendered moot by this Court's orders. In none of those submissions have Respondents engaged with the substance of the underlying appeal. The pattern is clear: Respondents are systematically using technical procedural motions as an instrument of harassment and delay, imposing unnecessary burden on both this Court and on Appellant — a pro se litigant with limited resources.

South Carolina appellate courts possess inherent authority to regulate the conduct of proceedings before them and to enter orders necessary to prevent abuse of the appellate process. This authority includes the power to impose conditions on future filings where a party has demonstrated a pattern of conduct designed to harass or delay rather than to advance legitimate appellate interests.

The prejudice to Appellant from this pattern is concrete and ongoing. Every serial dismissal motion requires Appellant — who is without counsel, without resources equivalent to a law firm, and who is navigating complex appellate procedural rules without professional assistance — to prepare, file, and serve a substantive response. This expenditure of time and effort is compounded by the fact that Respondents have never once advanced a single substantive argument on the merits in any of these filings. They seek dismissal not because they can defend the trial court's ruling, but because they hope to exhaust Appellant before he can obtain appellate review of that ruling.

Appellant therefore respectfully moves this Court to enter an Order providing that Respondents shall not file any further motions to dismiss this appeal, or any response opposing any motion by Appellant relating to the Record on Appeal, unless Respondents demonstrate:

6. That the deficiency at issue is substantive and incurable, not merely technical or ministerial in nature;
7. That Respondents have suffered actual, demonstrable prejudice that cannot be remedied by a curative order; and
8. That the motion is not filed for purposes of harassment, delay, or avoidance of engagement with the merits of this appeal.

Such an order is narrowly tailored, does not foreclose legitimate appellate practice, and is necessary to prevent the continued weaponization of technical procedural rules against a pro se litigant who has done everything within his power to advance this appeal in good faith.

VIII. THE RESPONDENTS' CLAIM OF PREJUDICE IS BELIED BY THEIR OWN CONDUCT AND ADMISSIONS

Respondents claim that continued delay causes them prejudice. But Respondents themselves caused delay in this proceeding. They filed their own Response out of time — a fact they admit in their Motion to Allow Late Filing of Return — and then sought leave of court to have that late filing accepted. Respondents cannot simultaneously cite delay as grounds for opposing Appellant's motion while asking this Court to excuse their own delay. This is the definition of a double standard.

Additionally, the prejudice Respondents describe — their inability to prepare a Final Brief — is self-inflicted to the extent it results from their strategic choice to file serial dismissal motions rather than seeking collaborative resolution of the record deficiency. Had Respondents at any point communicated with Appellant about the specific formatting requirements needed to cure the record, much of this procedural dispute might have been avoided. Instead, Respondents chose to litigate every technical imperfection, presumably calculating that each round of motion practice reduces the likelihood that Appellant — proceeding entirely without counsel — can sustain the effort required to press his appeal to the merits.

IX. CONCLUSION AND PRAYER FOR RELIEF

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

9. **GRANT** Appellant's Motion for Extension of Time and allow Appellant a reasonable period of not less than thirty (30) days from the date of this Court's order to file and serve the complete, consecutively paginated Record on Appeal in compliance with the applicable South Carolina Appellate Court Rules;
10. **DENY** Respondents' pending Motion to Dismiss in its entirety, consistent with this Court's prior exercise of discretion in denying each of Respondents' three prior dismissal motions;
11. **ENTER** a Protective Order restraining Respondents from filing further motions to dismiss this appeal, or responses opposing Appellant's motions related to the Record on Appeal, predicated solely on technical record assembly deficiencies, absent a showing of substantive incurable prejudice;
12. **ALLOW** this appeal to proceed to a full determination on the merits, so that this Court may review the trial court's dismissal of Appellant's claims; and
13. **GRANT** such other and further relief as this Court deems just and proper.

Respectfully submitted this 7th day of April, 2026.

s/ Christopher Jones
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TABLE OF AUTHORITIES

Cases

Haines v. Kerner, 404 U.S. 519, 520-21 (1972) 5, 7
Sundown Operating Co. v. Intedger Indus., Inc., 383 S.C. 601, 681 S.E.2d 885 (2009) 8

Rules

Rule 208(b)(1)(B), SCACR (References to Record)
Rule 210(c), SCACR (Content of Record on Appeal)
Rule 211(a), SCACR (Final Brief timing)
Rule 260(a), SCACR (Involuntary Dismissal and Reinstatement)
Rule 263, SCACR (Extension of Time)

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of April, 2026, I served a true and accurate copy of the foregoing upon the following counsel of record by depositing same in the United States Mail, postage prepaid, and by electronic mail:

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