

NOTICE OF APPEAL & PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS

TONY WILLIAMS, Plaintiff-Appellant,

v.

LOWE'S HOME CENTERS, LLC and ANDREW MELLING, Defendants-Respondents.

Case No.: 2025-CP-07-01666 (Beaufort County)

RECEIVED

JAN 12 2026

SC Court of Appeals

NOTICE OF APPEAL

TO: THE CLERK OF THE COURT OF APPEALS; THE CLERK OF COURT FOR BEAUFORT COUNTY; AND THE RESPONDENTS ABOVE-NAMED:

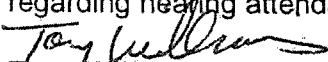
PLEASE TAKE NOTICE that the Plaintiff-Appellant, Tony Williams, hereby appeals to the South Carolina Court of Appeals from the Order of Dismissal with Prejudice entered on December 17, 2025, and from the Order denying Appellant's Rule 59(e) Motion entered on January 6, 2026.

Appellant received notice of the entry of the January 6, 2026 Order on January 6, 2026. This Notice of Appeal is timely served and filed within thirty (30) days of said notice pursuant to Rule 203(b), SCACR.

The issues on appeal include, but are not limited to:

1. The Trial Court's lack of jurisdiction to grant a Rule 12(b)(6) dismissal to Respondents who were in a state of **Certified Entry of Default**.
2. The Trial Court's reliance on findings of fact containing **extrinsic fraud** regarding the identity and criminal history of the Appellant (1995 DOB stranger's record).
3. The Trial Court's failure to address **Motions for Recusal and Disqualification** prior to issuing a dispositive ruling.
4. The Trial Court's factual error regarding Appellant's presence at the December 15, 2025 hearing.

STATEMENT OF NO TRANSCRIPT Pursuant to Rule 207(b), SCACR, Appellant states that no transcript is being ordered. The issues are purely legal and procedural. Appellant reserves the right to supplement the record with Clerk's minutes or digital recordings to rebut factual errors regarding hearing attendance.

 1/8/26
Tony Williams, Appellant Pro Se 145 Fort Sullivan Drive, Ridgeland, SC 29936

(843) 263-4488

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MAY 12 2026


S.C. SUPREME COURT

Dated: January 8, 2026

PROOF OF SERVICE

I, Tony Williams, certify that on **January 8, 2026**, I served a true and correct copy of the foregoing Notice of Appeal and Statement of No Transcript by depositing the same in the United States Mail, **Certified Mail, Return Receipt Requested**, addressed as follows:

1. **RESPONDENT'S COUNSEL:** Andrew Melling, Esq., Burr & Forman LLP, P.O. Box 11390, Columbia, SC 29211
2. **LOWER COURT CLERK:** Clerk of Court for Beaufort County, 102 Ribaut Road, Beaufort, SC 29902
3. **COURT REPORTER:** Chief Court Reporter, 14th Judicial Circuit, P.O. Box 1128, Beaufort, SC 29901

 1/8/26
Tony Williams, Appellant Pro Se

RECEIVED

JAN 12 2026

SC Court of Appeals

TRANSMITTAL LETTER

Tony Williams 145 Fort Sullivan Drive

Ridgeland, SC 29936

843-263-4488

Twtony6371@gmail.com

January 8, 2026

VIA CERTIFIED MAIL Clerk of the Court of Appeals

122 Public Square

Columbia, SC 29201

**RE: Notice of Appeal – Tony Williams v. Lowe’s Home Centers, LLC, et al. Trial Court
Case No.: 2025-CP-07-01666 (Beaufort County)**

Dear Clerk,

Enclosed for filing, please find the following documents regarding the appeal of the above-referenced matter:

1. **Filing Fee:** A Money Order in the amount of **\$150.00** made payable to the "Clerk of the Court of Appeals."
2. **Notice of Appeal:** Original and required copies.
3. **Appellate Orders:** A copy of the **Order of Dismissal** (filed December 17, 2025) and the **Form 4 Judgment** (filed January 6, 2026) being appealed.
4. **Statement of No Transcript:** Confirming that no court reporter was present and no transcript is necessary for this appeal.
5. **Proof of Service:** Demonstrating that a copy of the Notice of Appeal has been served upon Respondent's counsel, Andrew Melling, Esq.

Please file-stamp the extra copy of the Notice of Appeal and return it to me in the enclosed Self-Addressed Stamped Envelope (SASE).

Respectfully submitted,


Tony Williams Appellant Pro Se

1/8/26

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JAN 12 2026

SC Court of Appeals

Tony Williams
145 Fort Sullivan Drive
Ridgeland SC 29936

CERTIFIED MAIL



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Retail



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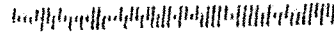
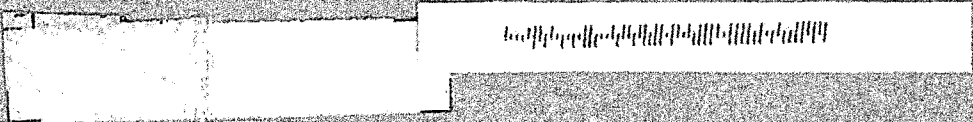
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SC Court of Appeals

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SOUTH CAROLINA COURT OF APPEALS
CATHOUN BUILDING 1220 SENATE STREET
PO BOX 11629
COLUMBIA SC 29211



The South Carolina Court of Appeals

Tony Williams, Appellant,

v.

Lowe's Home Centers, LLC and Andrew Melling,
Respondents.

Appellate Case No. 2026-000079

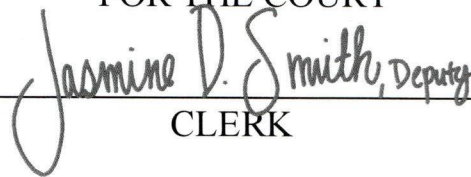
The Honorable Jocelyn Newman
Beaufort County
Trial Court Case No. 2025CP0701666

ORDER

Appellant has failed to order the transcript, as required by Rule 207(a)(1) of the South Carolina Appellate Court Rules, and this Court's letter dated January 23, 2026. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

FILED
Feb 26 2026

cc:

Tony Williams

Andrew Gordon Melling, Esquire

Exhibit
B

RECEIVED

Feb 26 2026

SC Court of Appeals

From: Tony Williams
To: Court Of Appeals Filings
Cc: Melling, Andrew
Subject: Rein
Date: Thursday, February 26, 2026 5:24:42 PM

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

THE SOUTH CAROLINA COURT OF APPEALS

Tony Williams, Appellant,

v.

Lowe's Home Centers, LLC and Andrew Melling, Respondents.

Appellate Case No. 2026-000079

(Trial Court Case No. 2025-CP-07-01666)

APPELLANT'S EMERGENCY MOTION TO VACATE DISMISSAL AND REINSTATE APPEAL

COMES NOW the Appellant, Tony Williams, Pro Se, and respectfully moves this Court to vacate its Order of Dismissal dated February 26, 2026, and to reinstate the above-captioned appeal. In support of this motion, Appellant shows the Court:

1. COMPLIANCE WITH RULE 207, SCACR

On January 8, 2026, Appellant served a "**Statement of No Transcript**" via Certified Mail upon Respondents' Counsel and the Court Reporter. This document was included in the initial filing package received by this Court on January 12, 2026. Appellant's Statement explicitly certified that no transcript was necessary because the issues on appeal are "**purely legal and procedural.**"

2. THE DEFAULT STATUS OF RESPONDENTS

As noted in the Notice of Appeal, Respondents are in a state of **Certified Entry of Default**. The order being appealed (dated 12/17/25) was entered without a hearing, following a period where Respondents were "mute" under *Stono River Constr. Co. v. Hill*, 306 S.C. 170 (1991). Because no hearing occurred, **no transcript exists**. Dismissal for failure to order a non-existent transcript is a clerical error.

3. EXTRINSIC FRAUD IN THE RECORD

The underlying Order of Dismissal relies upon **Extrinsic Fraud**, specifically a criminal history report belonging to a stranger with a **1995 Date of Birth**, which was used to prejudice the record against the Appellant. Under *Hagy v. Pruitt*, 339 S.C. 425 (2000), such fraud voids the proceedings and requires appellate review to preserve the integrity of the judiciary.

4. BAD FAITH BY RESPONDENTS

Counsel for Respondents, Andrew Melling, received the "Statement of No Transcript" on January 8, 2026. Counsel's silence while this Court issued a transcript-related dismissal is a violation of the **Duty of Candor** (Rule 3.3, RPC), intended to facilitate a "Shadow Docket" victory in related Trial Court matter 2023-CP-07-01623.

CASELAW SUPPORT FOR REINSTATEMENT

- **Standard for Reinstatement:** Under **Rule 221(c), SCACR**, this Court has the authority to reinstate an appeal for "good cause shown." A clerical error regarding a transcript that is not required for a default matter constitutes an absolute ground for reinstatement.
- **Default Standing:** Under *Stono River*, a defaulted party has no right to participate in the merits. It is an error of law to dismiss an appeal based on the procedural needs of a defaulted Respondent.
- **Pro Se Leniency:** While *pro se* litigants must follow rules, South Carolina courts recognize that "technicalities should not defeat justice." *State v. Burton*, 356 S.C. 259 (2003).

WHEREFORE, Appellant respectfully requests that this Court vacate the Dismissal, Reinstate the Appeal, and issue a Stay of all related lower court proceedings pending the resolution of this jurisdictional challenge.

s/ **Tony Williams**

Appellant Pro Se

Dated: February 27, 2026

From: [Tony Williams](#)
To: [Court Of Appeals Filings](#)
Cc: [Melling, Andrew](#)
Subject: REINSTATE APPEAL SUPPLEMENTAL AND NOTICE OF CONFLICT OF INTEREST
Date: Friday, February 27, 2026 9:52:12 AM

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

TONY WILLIAMS, Appellant,

v.

LOWE'S HOME CENTERS, LLC and ANDREW MELLING, Respondents.

Appellate Case No. 2026-000079

(Trial Court Case No. 2025-CP-07-01666)

MOTION TO REINSTATE APPEAL AND SUPPLEMENTAL NOTICE OF CONFLICT OF INTEREST

COMES NOW the Appellant, Tony Williams, Pro Se, and moves to reinstate this appeal pursuant to **Rule 260, SCACR**, having demonstrated "good cause" that the dismissal for lack of a transcript was legally and clerically erroneous. As supported by *Germain v. Nichol* and *Chewning v. Ford Motor Co.*, a transcript is not required where the appeal presents a pure question of law, alleges extrinsic fraud, or challenges a judgment rendered without a hearing.

I. MEMORANDUM IN SUPPORT OF REINSTATEMENT

1. The "Waiver" by Silence (Rule 207(a)(2), SCACR)

The Respondent, Melling, waived the right to demand a transcript by failing to object to the Appellant's "No Transcript" certification.

- **The Law:** Rule 207(a)(2), SCACR affirmatively shifts the burden to the Respondent to designate additional parts of the proceedings if they believe the Appellant's designation is insufficient.
- **Application:** The Appellant certified on **January 8, 2026**, that no transcript was necessary. As evidenced by the **C-Track Docket (Entry 01/08/2026)**, this certification was timely filed and served. Melling remained silent for over 50 days.
- **Legal Consequence:** By failing to designate a transcript within the strict 10-day window, the Respondent effectively stipulated that the Clerk's Record is sufficient for review.

2. The "Physical Impossibility" Argument

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Feb 27 2026

SC Court of Appeals

This Court cannot require the Appellant to perform an impossible act.

- **Forensic Fact:** The Respondents are in **Certified Entry of Default**. No hearing occurred on December 15th or 17th, and no court reporter was present.
- **Case Law:** In *Germain v. Nichol*, 278 S.C. 508 (1982), the S.C. Supreme Court recognized that where a case is decided on the pleadings (such as a demurrer or default challenge), a transcript of testimony is **not required** because the error is one of law, not fact.
- **Argument:** Compelling a transcript for a non-existent hearing violates the legal maxim *lex non cogit ad impossibilia* (the law does not compel the impossible).

3. The "Ghost Order": Void for Lack of Entry (Rule 6(a), SCEF)

The dismissal validates an order that is administratively void on its face.

- **The Violation:** The "12/17 Order" lacks the mandatory **4-digit Judicial Identification Code (JIC)** required for electronic signatures.
- **The Authority:** Rule 6(a) of the S.C. Electronic Filing Policies mandates that an electronic signature "shall include the individual judge's code."
- **Jurisdictional Impact:** Under Rule 58, SCRPC, a judgment is not effective until properly entered. An order missing these authentication markers lacks the "indicia of reliability" to be a valid judicial act.

4. Extrinsic Fraud: The "1995 DOB" Issue

The core of this appeal involves **Extrinsic Fraud**, which does not require trial testimony.

- **Case Law:** *Chewing v. Ford Motor Co.*, 354 S.C. 72 (2003); *Gainey v. Gainey*, 382 S.C. 414 (Ct. App. 2009).
- **Application:** The 12/17 Order relies on a criminal record for a stranger with a **1995 Date of Birth** to justify a dismissal against the Appellant. Forensic comparison of the record (Rule 210, SCACR) is sufficient to prove this document-based fraud.

II. SUPPLEMENTAL NOTICE OF CONFLICT OF INTEREST AND INCAPACITY OF COUNSEL

1. THE CONFLICT: RULE 1.7, RPC

Respondent Andrew Melling is attempting to represent both himself (as a named Respondent) and Lowe's Home Centers, LLC. Under **Rule 1.7, RPC**, a conflict exists if there is a significant risk that the representation will be materially limited by a personal interest of the lawyer. Melling's personal interest in avoiding liability for **Extrinsic Fraud** and the **missing JIC code** is in direct conflict with Lowe's interest in resolving its **\$30,000,000.00 Default**.

2. THE "LAWYER AS WITNESS" RULE: RULE 3.7, RPC

Because the appeal involves a "Ghost Order" allegedly filed by Melling, he is a **necessary witness** to the forensic facts. Under *Harris v. State*, 389 S.C. 663 (Ct. App. 2010), a lawyer must be disqualified if they are a necessary witness to a contested issue.

3. IMPACT ON THE TRANSCRIPT ISSUE

Melling's incapacity explains the current procedural deadlock. He failed to object to the January 8th Statement of No Transcript because he could not do so without admitting he filed an order without a hearing. He allowed a clerical dismissal to occur to protect his own standing at the expense of his client.

CONCLUSION

The Appellant has shown "good cause" for reinstatement under Rule 260, SCACR. The dismissal was a clerical error that overlooked the Appellant's **January 8, 2026** filing. Furthermore, the Court should ensure that the \$30 Million liability against Lowe's is not being managed by a conflicted attorney attempting to hide forensic defaults.

s/ **Tony Williams** Appellant Pro Se

Dated: February 27, 2026

On Thu, Feb 26, 2026, 17:24 Tony Williams <twtony6371@gmail.com> wrote:

THE SOUTH CAROLINA COURT OF APPEALS

Tony Williams, Appellant,

v.

Lowe's Home Centers, LLC and Andrew Melling, Respondents.

Appellate Case No. 2026-000079

(Trial Court Case No. 2025-CP-07-01666)

APPELLANT'S EMERGENCY MOTION TO VACATE DISMISSAL AND REINSTATE APPEAL

COMES NOW the Appellant, Tony Williams, Pro Se, and respectfully moves this Court to vacate its Order of Dismissal dated February 26, 2026, and to reinstate the above-captioned appeal. In support of this motion, Appellant shows the Court:

1. COMPLIANCE WITH RULE 207, SCACR

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Counsel for Respondents, Andrew Melling, received the "Statement of No Transcript" on January 8, 2026. Counsel's silence while this Court issued a transcript-related dismissal is a violation of the **Duty of Candor** (Rule 3.3, RPC), intended to facilitate a "Shadow Docket" victory in related Trial Court matter 2023-CP-07-01623.

CASELAW SUPPORT FOR REINSTATEMENT

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- **Default Standing:** Under *Stono River*, a defaulted party has no right to participate in the merits. It is an error of law to dismiss an appeal based on the procedural needs of a defaulted Respondent.
- **Pro Se Leniency:** While *pro se* litigants must follow rules, South Carolina courts recognize that "technicalities should not defeat justice." *State v. Burton*, 356 S.C. 259 (2003).

WHEREFORE, Appellant respectfully requests that this Court vacate the Dismissal, Reinstate the Appeal, and issue a Stay of all related lower court proceedings pending the resolution of this jurisdictional challenge.

s/ **Tony Williams**

Appellant Pro Se

Dated: February 27, 2026

From: [Tony Williams](#)
To: [Court Of Appeals Filings](#)
Cc: [Melling, Andrew](#); compliance@lowes.com; [Gibson, Lisa](#)
Subject: Re: Appellant's Sur-Reply to Respondents' Opposition to Reinstate Appeal, and the Proof of Service.
Date: Wednesday, March 11, 2026 9:53:31 PM

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

SUPPLEMENTAL FILING: RULE 240 MOTION FOR CASE 00079

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Tony Williams, Appellant,

v.

Lowe's Home Centers, LLC and Andrew Melling, Respondents.

Appellate Case No.: 2026-000079

APPELLANT'S MOTION PURSUANT TO RULE 240, SCACR, TO PROCEED WITHOUT A TRANSCRIPT

Appellant Tony Williams, appearing *Pro Se*, respectfully moves this Court pursuant to **Rule 240, SCACR**, for an Order permitting this appeal to proceed based on the record already on file, without the requirement of a transcript under Rule 207, SCACR.

I. GROUNDS FOR MOTION

- 1. Procedural Impossibility:** The orders appealed from were issued as administrative or "clerical" actions. No testimonial record or stenographic transcript exists that can clarify the jurisdictional fraud documented in the **01/08 C-Track Certification**.
- 2. Face of the Record Review:** The issues in this appeal concern **Extrinsic Fraud** and **Subject Matter Jurisdiction**. Under *Chewing v. Ford Motor Co.*, 354 S.C. 72 (2003), these issues are reviewable on the face of the record. The existing electronic records from the South Carolina Judicial Department are sufficient for a full determination of the merits.
- 3. Response to Opposition:** This motion is submitted to resolve the procedural dispute raised in Respondents' March 10, 2026, filing. Appellant contends that a transcript of a void proceeding provides no value to the Court and that requiring one would reward the Respondents' "fishing expedition" in Case No. 2023-CP-07-01623.

II. PRAYER FOR RELIEF

Appellant respectfully requests that the Court grant this Motion, waive the requirements of Rule 207, and allow the appeal to proceed to briefing.

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Mar 11 2026
SC Court of Appeals

The South Carolina Court of Appeals

Tony Williams, Appellant,

v.

Lowe's Home Centers, LLC and Andrew Melling,
Respondents.

Appellate Case No. 2026-000079

ORDER

This appeal arises out of an order of the circuit court granting a motion to dismiss. The order on appeal indicates this matter came before the circuit court on December 12, 2025, for a hearing. Appellant claims he has elected to proceed without a transcript. The appeal was dismissed for the failure to order the transcript in accordance with Rule 207 of the South Carolina Appellate Court Rules. Appellant filed an emergency motion to vacate dismissal and reinstate appeal, which we construe as a petition for rehearing. Respondents filed a return and Appellant filed a reply. Appellant also filed a motion to strike Respondents' return to the motion to reinstate and Respondents' motion for sanctions and an emergency motion to strike unauthorized filings by non-counsel and renewed motion for sanctions. The motions to strike are denied.

After careful consideration of the petition for rehearing, the return, and the reply, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for reinstating this appeal. Accordingly, the petition for rehearing is denied.¹

¹ Based on the disposition herein, we decline to rule upon "Appellant's Motion Pursuant to Rule 240, SCACR, to Proceed Without a Transcript" and Appellant's "Omnibus Motion for Summary Reversal, Disqualification of Counsel, and ODC Referral." Respondents' motion for sanctions remains pending.