

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas

Eugene P. Warr, Jr., Circuit Court Judge

Appellate Case No. 2026-000211
Circuit Court Case No. 2025-CP-10-03621

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SC Court of Appeals

Joel Ndunda,

Appellant,

v.

Brandi Pfeil, LP-A, Crisis Intervention Employee, individually and officially; Caitlin McGarty, Crisis Intervention Employee, individually and officially; South Carolina Department of Behavioral and Developmental Disabilities, Office of Mental Health; and Charleston Dorchester Mental Health Center,

Defendants,

Of which Brandi Pfeil, Caitlin McGarty, and Charleston Dorchester Mental Health Center are the

Respondents.

APPELLANT'S MOTION TO EXCEED PAGE LIMIT FOR PRINCIPAL BRIEF

Appellant Joel Ndunda, pro se, respectfully moves this Court for leave to file a principal brief not exceeding sixty (60) pages, ten (10) pages beyond the fifty-page limit set by Rule 208(b)(5) of the South Carolina Appellate Court Rules. In support of this motion, Appellant states the following:

GROUNDNS FOR THE MOTION

1. Rule 208(b)(5), SCACR, provides that principal briefs shall not exceed fifty pages, but expressly authorizes the appellate court to grant permission to exceed that limitation "on motion."

2. The trial court's Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint with Prejudice, signed October 31, 2025 and filed November 3, 2025, dismissed six separate tort claims (false imprisonment, abuse of process, defamation, intentional infliction of emotional distress, civil conspiracy, and invasion of privacy) plus federal constitutional claims under 42 U.S.C. § 1983, on multiple independent grounds (quasi-judicial immunity, discretionary immunity, intra-corporate conspiracy doctrine, qualified privilege, and the heightened threshold for IIED). Appellant's principal brief addresses each dismissal on its own terms, requiring eleven distinct argument sections. (See Statement of Issues on Appeal.)

3. Substantial post-judgment documentary evidence emerged after the Order was entered: the Medical University of South Carolina's records custodian certified the complete absence of the § 44-17-410(1) affidavit upon which any lawful emergency psychiatric admission was conditioned. (Mot. to Reinstate, Ex. B.) That certification destroys the factual premise of every immunity ruling in the Order and necessitates explanation of how the post-judgment evidence affects each immunity doctrine. This Court reinstated the appeal on May 6, 2026, directing that briefing proceed on the merits with the post-judgment certification in the record.

4. Appellant is proceeding pro se. The brief must establish each legal proposition with the citations and pin cites that retained counsel would ordinarily develop more succinctly. Pro se status does not justify a longer brief on its own, but combined with the substantive complexity above, ten additional pages permits Appellant to address each issue with proper authority without sacrificing analysis.

5. The Order of Dismissal itself spans eighteen pages and contains specific findings, footnote citations, and statutory references that Appellant must address point by point. Appellant's brief includes pin cite citations to the trial court's order at approximately twenty distinct passages, each requiring discussion of how the post-judgment certification or other documentary record contradicts the finding.

6. Appellant has actively reduced the brief's length. The current draft is the product of multiple revisions in which redundant subsections have been consolidated, bullet points have been converted to prose, and overlapping arguments have been combined. The brief at present cannot be reduced further without omitting material analysis of one or more of the dismissed claims.

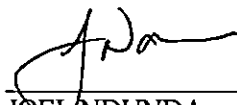
7. The requested ten-page extension is the minimum necessary to address the eleven argument sections with the citation density appellate practice requires. Reply briefs, if filed, would remain within the twenty-five page limit set by Rule 208(b)(5).

8. Granting this motion will not prejudice Respondents. Respondents have not yet filed their brief. The extension affects only the principal brief, not the schedule. If Respondents desire a corresponding extension for their responsive brief, Appellant does not oppose.

RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that this Court enter an order permitting Appellant to file a principal brief not exceeding sixty (60) pages, and granting such other and further relief as this Court deems just and proper.

Respectfully submitted,



JOEL NDUNDA
Pro Se Appellant

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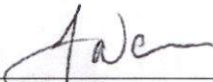
Dated: May 11, 2026

CERTIFICATE OF SERVICE

I hereby certify that on the date below, a true and correct copy of the foregoing APPELLANT'S MOTION TO EXCEED PAGE LIMIT FOR PRINCIPAL BRIEF was served upon counsel for Respondents at the following address by U.S. Mail:

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JOEL NDUNDA
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