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May 18 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

S. Thompson Tucker III, Magistrate Court Judge
Magistrate Court Case No.: 2026CV041070006
Civil Action No. 2026-CP-04-00229

Appellate Case No. 2026-000358

Jackie Roberts,, Appellant

v.

Luigi Cerullo,, Respondent.

**APPELLANT'S PETITION FOR REHEARING OF
ORDER OF DISMISSAL**

TO: THE HONORABLE COURT OF APPEALS OF SOUTH CAROLINA

NOW COMES Appellant Jackie Roberts, pro se, and respectfully petitions this Court, pursuant to Rule 221(a) of the South Carolina Appellate Court Rules (SCACR), for rehearing of the Order of Dismissal filed May 15, 2026 (the "Dismissal Order"). The Dismissal Order dismissed Appellant's appeal upon the ground that Appellant failed to obtain counsel to represent the corporate entity Crimson Events, pursuant to *Renaissance Enters v. Summit Teleservices, Inc.*, 334 S.C. 649, 651, 515 S.E.2d 257, 258 (1999). The Dismissal Order misapplies the *Renaissance* rule and should be recalled or vacated.

The Dismissal Order rests on a single factual predicate: that Crimson Events is the appellant and that a nonlawyer may not prosecute a corporate appeal. That predicate is incorrect on its face. The appellant throughout this proceeding, on this Court's own docket, in the Magistrate's order under review, and in the ejectment writ that threatens physical dispossession, is Jacqueline Roberts, a natural person. The *Renaissance* rule does not govern the representation of natural persons. Its application here is a material error of law that, if left uncorrected, will produce an irreversible constitutional injury: the physical ejection of a natural person who has never had a single hearing on the merits of her appeal.

PRELIMINARY STATEMENT

The relevant procedural history is brief. On January 28, 2026, the Powdersville Piedmont Summary Court entered a default Judgment of Ejectment. On January 29, 2026, Appellant timely filed a Notice of Appeal. On February 3, 2026, the Notice of Appeal was docketed in the Anderson County Court of Common Pleas, transferring exclusive jurisdiction to the circuit court under Rule 241, SCACR.

On February 10, 2026, the Magistrate Court, seven days after exclusive jurisdiction had transferred to the circuit court, entered an Order of Dismissal. That order captions and refers to the appellant throughout as "Jacqueline Roberts" and contains no reference to Crimson Events or to any corporate entity. It is that order which is the subject of this appeal.

The Notice of Appeal filed in this Court on February 19, 2026, and accepted and docketed by this Court, captions the matter as "Jackie Roberts" on the appellant line without any LLC designation. The Initial Brief filed March 18, 2026, was likewise captioned in the name of Jackie Roberts. On April 14, 2026, the Clerk issued a deficiency letter concluding that the commercial lease on file, which identifies the tenant in its header as "Crimson Events LLC," brought the appeal

within *Renaissance*. On April 20, 2026, Appellant filed a Motion to Reconsider setting forth in detail the three independent grounds on which *Renaissance* does not apply. On May 5, 2026, the Court construed that motion as a petition for rehearing and declined further action under Rule 221(c). On May 15, 2026, this Court entered the Dismissal Order.

The Dismissal Order does not address any of the three substantive grounds advanced in Appellant's Motion to Reconsider. It rests entirely on the corporate representation rule and the failure to obtain counsel. For the reasons set forth herein, that rule does not apply, and dismissal was error.

ARGUMENT

I. THE DISMISSAL ORDER MISAPPLIES RENAISSANCE BECAUSE THE APPELLANT IS JACQUELINE ROBERTS, A NATURAL PERSON, NOT CRIMSON EVENTS, LLC.

The threshold question under *Renaissance* is not whether a corporate entity has some connection to the litigation, but whether the appellant is a corporate entity. *Renaissance Enters. v. Summit Teleservices, Inc.*, 334 S.C. 649, 651, 515 S.E.2d 257, 258 (1999). In *Renaissance*, Summit Teleservices, Inc., a corporation, appeared in its own name, prosecuting its own corporate claims, through a nonlawyer officer. The rule the Court announced was narrow: a corporation may not prosecute its own claims through a nonlawyer representative. The rationale is that a corporation's legal existence is separate from its shareholders and officers, and that the conduct of a corporation's litigation requires a licensed attorney.

That rationale has no application where the appellant is a natural person. The appellant line in this Court's docket reads: "Jackie Roberts." No LLC designation appears anywhere on the docket, in the Notice of Appeal, in the Initial Brief, or in the Magistrate's order under review. The Magistrate's Order of Dismissal, the instrument this Court is reviewing, captions and refers to the

appellant as "Jacqueline Roberts" throughout and makes no reference to Crimson Events or to any corporate entity. The writ of ejectment the Order directed to be reissued runs against Jacqueline Roberts personally. She is the occupant. She is the party who will be physically removed.

South Carolina courts do not apply *Renaissance* to natural persons who are merely affiliated with a corporate entity. The corporate separateness on which *Renaissance* depends cuts both ways: just as the LLC's debts are not the individual's, the LLC's procedural disabilities are not the individual's. Crimson Events, LLC's status as a registered entity does not dissolve Jacqueline Roberts' individual legal identity or deprive her of the constitutional right to self-representation that belongs to every natural person. *Faretta v. California*, 422 U.S. 806, 818-19 (1975).

The Dismissal Order looks to the commercial lease agreement and finds there that Crimson Events is identified as the tenant. But the identity of the contracting party in a lease does not determine who the appellant is in a subsequent ejectment proceeding. The identity of the appellant is determined by the caption of the appeal, the order under review, and the writ that issued, all of which uniformly identify the appellant as Jacqueline Roberts. The Clerk's reliance on the lease header, to the exclusion of every operative document of record, was error, and this Court's adoption of that analysis in the Dismissal Order perpetuates the error.

II. JACQUELINE ROBERTS SIGNED THE LEASE IN HER INDIVIDUAL CAPACITY AND IS PERSONALLY BOUND AS A MATTER OF SOUTH CAROLINA CONTRACT LAW.

The commercial lease warrants careful examination. While its header designates the tenant as "Crimson Events LLC," the signature page, which is the operative execution of the agreement, identifies and obtains the signatures of two individuals: Byron Roberts and Jacqueline Roberts, each signing in their personal capacities, dated August 24, 2024. No officer's title, no "on behalf of" designation, and no LLC execution block appears beside their signatures.

Under South Carolina contract law, a signatory who signs a commercial agreement without clearly indicating representative capacity assumes personal liability under that agreement. *Burwell v. South Carolina Nat'l Bank*, 288 S.C. 34, 340 S.E.2d 786 (1986). If Jacqueline Roberts is personally bound by the lease, the ejectment action runs against her individually, the bond demand runs against her individually, and the right to contest both belongs to her individually. A party who is personally subject to a judgment has personal standing to appeal it, and that standing does not evaporate because a corporate entity may also have had a contractual interest in the premises. The appeal of a judgment against a natural person is prosecuted by that natural person. It is not an appeal by her LLC. Applying *Renaissance* to compel attorney representation for Jacqueline Roberts' individual appeal, grounded in her individual liability under a lease she personally executed, would expand *Renaissance* far beyond its holding and its rationale.

III. APPELLANT HAS INDEPENDENT INDIVIDUAL STANDING AS THE NATURAL PERSON FACING ACTUAL PHYSICAL DISPOSSESSION.

Even setting aside the caption and the signature page, the practical reality is dispositive. Jacqueline Roberts is the natural person who will be physically ejected from 602 Anderson Street, Piedmont, South Carolina if the writ runs. She is the occupant. She paid the \$9,000.00 security deposit. She has conducted her business at those premises throughout the lease term. The Dismissal Order she is appealing threatens her personal, physical removal from property in which she holds concrete possessory rights.

South Carolina courts consistently recognize individual standing where a natural person has a direct, personal stake in the outcome that is distinct from any derivative corporate interest. *Sloan v. Greenville County*, 356 S.C. 531, 590 S.E.2d 338 (Ct. App. 2003). The individual interest at stake in this proceeding is not a corporate asset. It is the right of a natural person to remain in

possession of the premises she physically occupies. That is precisely the kind of personal possessory interest for which the constitutional right of self-representation exists.

Dismissing Appellant's individual appeal on the theory that her LLC's connection to the underlying lease strips her of the right to appear pro se would produce a result wholly inconsistent with the *Renaissance* rationale. The rule against nonlawyer corporate representation exists to protect courts and opposing parties from the deficiencies of lay advocacy on behalf of a separate legal entity with distinct rights. It was not designed to strip a natural person of her individual voice simply because she once formed an LLC. The corporate veil protects the individual from the LLC's debts; it does not, and cannot, extinguish the individual's right to defend her own possessory rights in her own name in her own appeal.

IV. THE MAGISTRATE'S ORDER OF DISMISSAL IS VOID AB INITIO FOR LACK OF SUBJECT MATTER JURISDICTION AND THE DISMISSAL ORDER FORECLOSES APPELLATE REVIEW OF A JURISDICTIONAL NULLITY.

The appeal presents a foundational ground for reversal that this Court has not reached: the Magistrate's Order of Dismissal is void ab initio because the Magistrate entered it after exclusive jurisdiction had transferred to the circuit court.

The Notice of Appeal was docketed in the Anderson County Court of Common Pleas on February 3, 2026. Under Rule 241, SCACR, that filing transferred exclusive jurisdiction to the circuit court at the moment of docketing. The Magistrate entered its Order of Dismissal on February 10, 2026, seven days after that transfer. An order entered without subject matter jurisdiction is void ab initio and unenforceable. *Kosciusko v. Parham*, 428 S.C. 481, 497, 836 S.E.2d 362, 371 (Ct. App. 2019). A void judgment may be challenged at any time by any party, including a pro se litigant. Rule 60(b)(4), SCRCP.

The Dismissal Order, by terminating the appeal without reaching the merits, forecloses this Court's review of a jurisdictional nullity that would otherwise entitle Appellant to vacation of the order below on the most fundamental available ground. The harm from dismissal is therefore not merely the loss of one procedural avenue. It is the permanent insulation of a void judgment from appellate correction.

Additionally, the Magistrate's Order recites that Appellant "signed this Bond on February 4, 2026," a statement contradicted by both certified versions of the bond in the record, neither of which is dated February 4, one of which bears no tenant signature at all, and which Appellant attests under oath she never signed. The circuit court, moreover, failed entirely to act on Appellant's Emergency Motion to Stay Bond Order filed February 5, 2026, and expressly authorized by S.C. Code Ann. Section 27-40-800(d), which imposed a statutory bar to any ejectment execution while that motion remained pending and unresolved. These additional grounds for reversal were fully briefed in the Initial Brief and remain entirely unaddressed.

V. DISMISSAL ON THE CORPORATE REPRESENTATION THEORY CAUSES DISPROPORTIONATE AND IRREVERSIBLE HARM WHERE THE APPELLANT IS A NATURAL PERSON WHO HAS NEVER RECEIVED A HEARING ON THE MERITS.

Appellant has not had a single hearing on the merits at any level of this proceeding. The default judgment below was entered without a contested hearing. The Magistrate's dismissal of the appeal was entered ex parte, without notice, after jurisdiction had transferred. The circuit court took no action on Appellant's filed motion. This Court has now dismissed without reaching any of the six independently sufficient grounds for reversal set forth in the fully briefed Initial Brief.

The result, if the Dismissal Order stands, is that Jacqueline Roberts, a natural person who personally signed a lease, who paid a \$9,000.00 security deposit, and who faces physical ejection from her business premises, will be removed from those premises without having obtained review

of a Magistrate's order that was entered without jurisdiction. No court at any level will have examined the merits of her appeal. That outcome cannot be squared with the principle that courts favor the resolution of disputes on their merits, nor with the policy that dismissals on procedural grounds should be reserved for circumstances where no other adequate remedy exists.

Here, an adequate remedy existed and exists: allow the appeal to proceed, either on the record already briefed or following a caption amendment to reflect "Jacqueline Roberts, Individually," which would eliminate any residual ambiguity about the identity of the appellant at no prejudice to Respondent. Respondent has been on notice throughout that the appellant is Jacqueline Roberts. The Initial Brief fully addressed the merits. The record is complete. No curative step could be simpler or less burdensome.

VI. IN THE ALTERNATIVE, THIS COURT SHOULD GRANT LEAVE TO FILE A SUBSTITUTED CAPTION AND A BRIEF EXTENSION OF TIME.

Should this Court determine, despite the foregoing, that any curative step is warranted with respect to the caption, Appellant respectfully requests: (a) leave to file a Substituted Caption clarifying that the appellant is "Jacqueline Roberts, Individually," and (b) a fourteen-day extension of time from the date of any such order for any additional curative filing the Court may require. The substance of the Initial Brief, the underlying record, and all arguments therein would remain unchanged. The amendment would be a caption designation only.

This Court has authority to grant such relief under Rule 201, SCACR, and the policy reflected in Rule 15, SCRCR, favoring resolution of disputes on their merits. Good cause exists: Appellant acted in good faith at every step, the appeal was fully and timely briefed, the order under review names her individually throughout, and Respondent suffers no prejudice from a caption clarification.

CONCLUSION

The Dismissal Order applies the *Renaissance* corporate representation rule to a natural person who is named as appellant on this Court's own docket, in the order under review, and in the ejectment writ that threatens her physical removal from her business premises. That application is a material error of law. The *Renaissance* rule governs the representation of corporations and LLCs prosecuting their own claims through nonlawyer representatives. It does not apply to a natural person defending her own possessory rights under her own name in her own appeal.

Appellant respectfully submits that rehearing should be granted, the Dismissal Order should be vacated, and the appeal should be permitted to proceed on the merits as fully briefed in the Initial Brief filed March 18, 2026. In the alternative, Appellant requests leave to file a Substituted Caption reflecting "Jacqueline Roberts, Individually" and a fourteen-day extension for any curative filing the Court may require.

WHEREFORE, Appellant Jackie Roberts respectfully prays that this Honorable Court:

1. Recall or vacate the Order of Dismissal filed May 15, 2026;
2. Determine that *Renaissance Enters. v. Summit Teleservices, Inc.*, 334 S.C. 649, 515 S.E.2d 257 (1999), does not require attorney representation because the appellant in this proceeding is Jacqueline Roberts, a natural person, not a corporate entity;
3. Permit the appeal to proceed on the merits as presented in the Initial Brief filed March 18, 2026; and
4. In the alternative, grant leave to file a Substituted Caption reflecting "Jacqueline Roberts, Individually" and a fourteen-day extension of time for any curative filing the Court may require.

Respectfully submitted,

[Signature next page]

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May 16, 2026
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CERTIFICATE OF SERVICE

I hereby certify that on May 18th 2026, I served a true and correct copy of the foregoing Petition for Rehearing upon the following party by United States Mail, first-class postage prepaid, addressed as follows:

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