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May 21 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Daniel Coble, Chief Administrative Judge

Civil Action No.: 2026-CP-40-00645
Appeal Number: 2026-000348

Ubong Christopher Ubokudom.....Plaintiff/Appellant,

v.

University of South CarolinaDefendant/Respondent.

**MEMORANDUM IN OPPOSITION TO APPELLANT'S MOTION FOR STAY AND
FOR SUPERSEDEAS**

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DISCUSSION

Appellant has filed a “Petition for Supersedeas and Emergency Temporary Stay,” appearing to seek a stay of the matters decided in the Order under Rule 241 SCACR. This Rule states that the service of a notice of appeal acts to automatically stay matters decided in the order and to automatically stay the relief ordered in the appealed order. Rule 241(a) SCACR. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. *Id.* The exceptions to this general rule of an automatic stay are set forth in subsection (b), and the exceptions to this general rule of automatic stay include Orders regarding money judgments, judgments directing the delivery of possession of real property, family court orders regarding child and spousal support, and orders **granting** an injunction or temporary restraining order. Rule 241(b) SCACR (emphasis added).

The effect of the granting of a supersedeas is to suspend or stay the matters decided in the order, judgment, decree or decision on appeal and, where a prior order or decision was in effect at the time the appealed order, judgment, decree or decision was filed, to revive the terms of the prior order or decision. Rule 241(c) SCACR. In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot. *Id.* For the forgoing reasons, this Motion must be denied.

First, based upon the language of Rule 241, this second Notice of Appeal seeks to challenge an Order **denying** Appellant’s Motion for Preliminary Injunction. Thus, the matters at issue in the Order being appealed are not listed in the exceptions to the automatic stay as set forth in Rule

241(b). This means that the “matters decided in the Order” are automatically stayed via the general rule in Rule 241(a).

This stay applies only to the “matters decided in the Order” and is not a total stay over the entirety of the Circuit Court action. It is unclear exactly what relief Appellant seeks in this Petition, as the only “matters decided in the Order” are the denials of his Motion for Preliminary Injunction and his discovery motions, with the Court not ordering a cessation to any ongoing conduct or ordering specific performance of any act. The stay sought in this Petition is either moot via the automatic stay or is essentially ineffectual as the stay appears to have no effect on any continuing conduct of the parties. For these reasons, this Petition must be denied.

Further, this Petition is not properly before this Court of Appeals and the matters therein are not ripe for appellate review, as Appellant is required to first seek this petition in the Circuit Court. Appellant has not sufficiently shown any extraordinary circumstances warranting immediate filing with this Court. Thus, this Petition is not properly before this Court until the trial court application is exhausted.

Finally, Appellant’s Petition contains a series of arguments about the substantive issues in the litigation and appears to serve as another attempt to once again relitigate his preliminary injunction arguments that have been denied by both this Court and the Circuit Court. This Court has also already denied the request for expedited review and to shorten Respondent’s time to respond. See Order dated May 13, 2026.

After this request to expedite in Appellant’s Petition, the Petition moves right into the “Statement of Issues on Appeal,” “Statement of the Case,” and a series of other sections in an attempt to argue the substantive matters at issue in this second appeal. These substantive matters and direct challenge to the trial court Order are not before the Court at this time. Though

Respondent intends in due time to address the multitude of inaccuracies and allegations of bad faith set forth in this Petition, these issues on appeal and Appellant's overarching requests for relief are not properly before this Court via this Petition and are better suited for argument during the full formal briefing on this appeal.

Appellant once again incorrectly asserts that Respondent has admitted liability due to alleged failure to provide valid Responses to his Requests for Admission. Appellant has failed to show any procedural defect whatsoever with Respondent's answers to the Requests for Admission and continually fails to show entitlement to any of the extraordinary emergency relief repeatedly sought in this case. As stated in Respondent's Initial Brief for the first appeal in this action and in the Return to the Petition for Writ of Mandamus, Appellant simply did not pay tuition and therefore did not complete the enrollment process and does not have a transcript. Appellant cannot establish entitlement to any emergency relief, and this Petition for a Stay and/or Supersedeas is not a proper vessel for receiving such relief.

CONCLUSION

For the reasons set forth above, this Motion/Petition must be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on **May 21, 2026**, a copy of the foregoing ***Respondent’s Memorandum in Opposition to Motion for Stay and Supersedeas*** was duly served upon the Appellant concurrently via email and Certified Mail to:

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s/Jacob A. Bilstoft

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