

STATE OF SOUTH CAROLINA
THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
COUNTY OF DORCHESTER

RECEIVED
May 22 2026
SC Court of Appeals

Attia Elbadawy, Appellant,

v.

Dorchester County,
Respondents,
and
D.R. Horton, Inc.,
Respondents,

Case No.: 2025-CP-18-01527

**MOTION TO STAY PROCEEDINGS AND PRESERVE STATUS QUO
PENDING APPEAL**

Appellant, Attia Elbadawy, appearing pro se, respectfully moves this Court for an Order staying all proceedings and preserving the status quo pending appeal to the South Carolina Court of Appeals, and in support thereof states as follows:

I. INTRODUCTION

1. Appellant has filed a Notice of Appeal from this Court's May 7, 2026 Order denying injunctive relief in the above-captioned Quiet Title action involving Wise Lane.
2. The ownership, status, use, control, and access rights concerning Wise Lane are central issues presently before the South Carolina Court of Appeals.
3. Appellant respectfully requests that this Court stay further proceedings affecting the disputed roadway and preserve the existing conditions pending resolution of the appeal.

II. FACTUAL BACKGROUND

4. This action concerns a disputed private roadway/easement known as Wise Lane located in Dorchester County, South Carolina.

5. Appellant maintains that Wise Lane is a private roadway and private property access serving Appellant's land and residence located at 493 Wise Road, Summerville, South Carolina.

6. Appellant further maintains that Dorchester County has historically denied responsibility for maintenance, ownership, and acceptance of Wise Lane for many years, while Respondents now seek to alter the status and use of the roadway during ongoing litigation.

7. On May 7, 2026, this Court denied Appellant's request for injunctive relief concerning the disputed roadway and related activities.

8. Appellant has timely filed a Notice of Appeal seeking review by the South Carolina Court of Appeals.

9. Without a stay, Appellant faces the risk of irreparable harm, including but not limited to alteration of the roadway, interference with Appellant's possession and access, removal or disturbance of barriers or gates, utility or construction activity, and permanent changes to the disputed property before appellate review is completed.

10. Once such actions occur, meaningful appellate relief may become impossible or substantially impaired.

III. ARGUMENT

A. THIS COURT HAS AUTHORITY TO ISSUE A STAY PENDING APPEAL

11. South Carolina courts possess inherent authority to preserve the status quo pending appellate review.

12. A stay is appropriate where necessary to prevent irreparable harm and protect the appellate court's jurisdiction over issues on appeal.

13. Appellant respectfully submits that preserving existing conditions is necessary to avoid irreversible alteration of the disputed property rights presently under appellate review.

B. APPELLANT WILL SUFFER IRREPARABLE HARM WITHOUT A STAY

14. The disputed roadway and property interests are unique and cannot be adequately compensated through monetary damages alone.

15. Any alteration to Wise Lane, installation of utilities, destruction of barriers, roadway modification, or interference with Appellant's possession during the appeal would create immediate and irreparable harm.

16. Such actions could also moot or substantially interfere with the issues presently before the Court of Appeals.

C. THE BALANCE OF EQUITIES FAVORS PRESERVING THE STATUS QUO

17. Granting a stay merely preserves existing conditions until appellate review is completed.

18. Defendants will suffer no undue prejudice from maintaining the current status quo during the pendency of the appeal.

19. By contrast, denial of a stay risks permanent injury to Appellant's property rights and possession interests.

D. THE PUBLIC INTEREST SUPPORTS A STAY

20. The public interest favors orderly judicial review and avoiding conflicting rulings while ownership and roadway status issues are pending on appeal.

21. Preservation of disputed property during appellate review promotes judicial economy and protects the integrity of the appellate process.

IV. REQUEST FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. Stay all proceedings and enforcement actions affecting Wise Lane pending resolution of the appeal;
2. Preserve the status quo concerning the disputed roadway and surrounding property;
3. Prohibit any alteration, construction, utility installation, removal of gates or barriers, trespass, roadway modification, or interference with Appellant's possession during the pendency of the appeal;
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Attia Elbadawy

Attia Elbadawy

Appellant, Pro Se

493 Wise Road

Summerville, SC 29483

Phone: 843-641-8556

Date: May 22, 2026

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Stay Proceedings and Preserve Status Quo Pending Appeal was served upon the following by United States Mail and/or electronic service this 22nd day of May, 2026:

Respondent,

Attorney for Dorchester County– Bradley Mitchell
Dorchester County Attorney's Office
201 Johnston Street
St. George, SC 29477
AND

Respondent,

Attorney for D R Horton, Inc–Mark A. Bible, Jr.
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