

RECEIVED

May 20 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE BERKELEY COUNTY
COURT OF COMMON PLEAS

The Honorable Jennifer McCoy, Circuit Court Judge

Appellate Case No.: 2024-002032

Case No.: 2021-CP-08-00087

AKPA Chemicals US, Inc. Appellant,

v.

Tunc Eren Respondent.

APPELLANT’S REPLY TO RESPONDENT’S MOTION IN OPPOSITION

Michael E. Patterson, Jr., Esq.
Patterson Law Group, LLC
15 State Street
Charleston, SC 29401
(843) 202-0901
michael@pattersonlawsc.com
Attorney for Appellant

Tunc Eren
2966 Scout St.
Saint Cloud, FL 34771
tunceren283@gmail.com
Respondent

Appellant's Reply to Respondent's Motion Generally

Appellant responds to "Respondent's Opposition to Appellant's Motion to Reinstate Appeal" (hereinafter the "Motion in Opposition") as follows:

At no point in his Motion in Opposition does Respondent allege that he has been prejudiced in any way by the clerical error that sits at the heart of Appellant's Motion to Reinstate the Appeal. An important consideration when reviewing a Motion for Reinstatement is whether there was any material prejudice to the opposing party. In this specific instance, Respondent has not alleged any prejudice. Moreover, despite Respondent's attempt to broaden the scope of the Rule 260(a) analysis for Reinstatement, Respondent has not alleged that he suffered any prejudice as a result of any of the other allegations contained in his Motion in Opposition.

Therefore, Appellant would argue that the lack of prejudice to Respondent further supports Reinstatement of Appellant's appeal under Rule 260(a).

Respondent's Motion in Opposition essentially argues that good cause does not exist and the Court should not reinstate the appeal because of what Respondent frames as Appellant's repeated noncompliance. Appellant categorically rejects these allegations of repeated noncompliance as framed in Respondent's Motion in Opposition.

Notably absent from Respondent's allegations and arguments is any suggestion that the actual clerical error that took place does not constitute good cause.

Additionally, Respondent's Motion in Opposition does not dispute the authenticity, reliability, or accuracy of the contemporaneous documentary evidence attached as exhibits to Appellant's Motion to Reinstate the Appeal.

Appellant's Reply to Section III of Respondent's Motion

It appears that the majority of Respondent's material arguments are contained within Section III. At first glance, it appears that Respondent is making the argument that even if the Court accepts that Appellant's mistake was clerical and agrees that such a clerical error constitutes good cause, then the Final Brief Appellant intended to submit (hereinafter "Appellant's Final Brief") would still violate Rule 211, SCACR.

However, when you read Section III in full, and then read Section III in conjunction with the remaining sections of Respondent's Motion in Opposition, it is unclear whether Respondent's Section III arguments are about the incorrect Final Brief that was inadvertently submitted in error (hereinafter the "Incorrect Final Brief"), or Appellant's Final Brief that was intended for submission. For example, about halfway into Section III, Respondent explicitly refers to the Incorrect Final Brief that was filed on April 22, 2026. Thus, it is unclear which brief Respondent's Section III arguments are referring to.

To the extent that Respondent's Section III arguments are related to the Incorrect Final Brief that was submitted in error, then Appellant would agree that the Incorrect Final Brief was never intended to serve as the response to the March 31, 2026, deficiency letter. The reason for this is because the Incorrect Final Brief that was submitted in error is the same brief that Appellant initially submitted on September 11, 2025, which led to the March 31, 2026, deficiency letter from the Court.

Respondent even includes this fact in his Section III argument when he states, "the filing itself contains inconsistent filing and service dates." Respondent is pointing out that the Incorrect Final Brief that was submitted in error contains the date, "September 11, 2025," on the signature page. Appellant would agree with Respondent's statement about the inconsistent dates on the

Incorrect Final Brief, because it only serves to further highlight the fact that Appellant's mistake was a true clerical error, and constitutes good cause under Rule 260(a). It does not make any logical sense that Appellant would submit the same brief that generated the March 31, 2026, deficiency letter a second time.

Therefore, Appellant is not arguing that the Incorrect Final Brief that was submitted in error was Rule 211 compliant. The Incorrect Final Brief that was submitted in error, was the exact same brief filed on September 11, 2025, which again is what led to the March 31, 2026, deficiency letter from the Court in the first place.

Importantly, the Court's April 21, 2026, dismissal order necessarily evaluated the Incorrect Final Brief that was inadvertently filed on April 15, 2026, because Appellant's Final Brief that was intended for submission was never actually submitted due to the clerical attachment error established by Appellant's Motion to Reinstate the Appeal and the attached exhibits.

Thus, to the extent Respondent's Section III arguments are related to the Incorrect Final Brief, then Appellant would argue that such arguments are not material to the question of whether good cause exists for reinstatement under Rule 260(a). Although, to the extent Respondent's arguments are material, then they only serve to support the fact that Appellant's mistake was a true clerical error, which Appellant believes constitutes good cause for reinstatement under Rule 260(a).

To the extent Respondent's Section III arguments are challenging the Rule 211 compliance of Appellant's Final Brief that was intended for submission, then Appellant responds as follows:

1. Respondent argues that Appellant's Final Brief "materially expanded record citations throughout the factual and argument sections."

Rule 211(b)(1), SCACR, titled “References to the Record,” states,

“The references in the initial brief shall be revised to indicate where the material appears in the Record on Appeal. These revised references may be in place of or in addition to the initial references, and shall be in the form indicated by the following examples: (R. p. 15, line 4) (R. p. 75, lines 8-20) (R. p. 90, line 1-p. 101, line 14) (R. pp. 29-31).”

The important part of Rule 211(b)(1), SCACR, states, “These revised references may be in place of or in addition to the initial references.” Thus, any additional citations to the Record are explicitly permitted under Rule 211(b)(1), SCACR. Therefore, Respondent’s first argument is not supported by Rule 211(b)(1), SCACR.

2. Respondent argues that Appellant’s Final Brief “added extensive transcript references not contained in the Initial Brief.”

Respondent’s second argument is just a repackaging of his first argument, and Appellant would cite to the argument contained in Number 1 above. Any additional citations to the “transcript,” which is part of the Record, are “revised references...in addition to the initial references,” which are permitted under Rule 211(b)(1), SCACR.

3. Respondent argues that Appellant’s Final Brief “revised and expanded factual assertions.”

Respondent’s Motion in Opposition does not identify any specific factual assertion that was allegedly “revised” or “expanded.” Additionally, Respondent does not provide any specific examples or citation to any page numbers in either Appellants’ Initial Brief or Appellant’s Final Brief. Furthermore, Respondent does not provide any evidence to support his allegation that Appellant’s Final Brief is not compliant with Rule 211, SCACR.

4. Respondent argues that Appellant's Final Brief "reorganized and restructured arguments."

Again, Respondent does not identify any specific argument that was allegedly "reorganized" or "restructured," does not cite to any specific page numbers, and does not identify any new issue, new cause of action, or new legal theory added to Appellant's Final Brief that was not already contained in Appellant's Initial Brief.

5. Respondent argues that Appellant's Final Brief contains "expanded legal analysis and supporting authority."

Appellant disagrees with Respondent's argument on this point. Appellant cited numerous cases in their Initial Brief, however some of the cases cited in Appellant's Initial Brief were not listed in the Table of Authorities in Appellant's Initial Brief. Therefore, pursuant to Rule 211(b)(2), Appellant corrected these typographical errors, by adding the case names to the Table of Authorities in Appellant's Final Brief.

Importantly, Respondent's Motion in Opposition does not identify any new legal claim, new legal theory, or newly added substantive legal authority that altered the arguments previously presented in Appellant's Initial Brief. Nor does Respondent identify any authority first raised in Appellant's Final Brief that was not already cited or relied upon in Appellant's Initial Brief.

6. Respondent argues that Appellant "materially altered the presentation and development of claims concerning unjust enrichment, conversion, and breach of contract."

Respondent again provides no citation to any specific portion of the briefs allegedly demonstrating a "material alteration" of these claims. Respondent identifies no new claim, no newly asserted cause of action, no newly asserted issue on appeal, and no substantive legal theory that was added to Appellant's Final Brief.

Conclusion

For the foregoing reasons, Appellant respectfully requests that the Court grant Appellant's Motion to Reinstate the Appeal.

Respectfully submitted,

s/Michael E. Patterson, Jr.
Michael E. Patterson, Jr., Esq.
Patterson Law Group, LLC
15 State Street
Charleston, SC 29401
(843) 202-0901
michael@pattersonlawsc.com
Attorney for Appellant

May 20, 2026

RECEIVED

May 20 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE BERKELEY COUNTY
COURT OF COMMON PLEAS

The Honorable Jennifer McCoy, Circuit Court Judge

Appellate Case No.: 2024-002032
Case No.: 2021-CP-08-00087

PROOF OF SERVICE

I certify that I have served the *Appellant's Reply to Respondent's Motion in Opposition* by forwarding via electronic mail and/or electronic filing on May 20, 2026 addressed to the Respondent, Tunc Eren, and to the South Carolina Court of Appeals at the following:

Tunc Eren
2966 Scout St.
Saint Cloud, FL 34771
(843) 642-9334
tunceren283@gmail.com
Respondent

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

s/Michael E. Patterson, Jr.
S.C. Bar No.: 78437
Patterson Law Group, LLC
15 State St.
Charleston, SC 29401
(843) 202-0901
michael@pattersonlawsc.com
Attorney for Appellant

May 20, 2026
Charleston, South Carolina