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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

Appellate Case No.: 2026-000348

Ubong Christopher Ubokudom.....**Appellant**,

v.

University of South Carolina .....**Respondent**.

PETITION FOR REHEARING & OR MOTION FOR RECONSIDERATION

Ubong Christopher Ubokudom P.O. Box 1594 Columbia, SC 29202, cubok1@gmail.com
248-952-7833 *(Pro Se Appellant)*

Jacob Alan Biltoft 3700 Forest Dr., Suite 404, Columbia, SC 29204, jbiltoft@mckayfirm.com
803-256-4645 *(Counsel for Respondent)*

I. INTRODUCTION AND SUMMARY

The Appellant files this *Petition for Rehearing* (or, in the alternative, *Motion for Reconsideration*) pursuant to Rule 221, SCACR. While this Court's Order of May 29, 2026, was interlocutory, it possesses the functional effect of a final decision regarding the Appellant's discovery relief. By declining to intervene, this Court has effectively terminated the Appellant's ability to present a justiciable case, as the lower court's continued inaction creates a procedural deadlock that cannot be resolved through standard trial timelines.

Furthermore, the Court's Order fails to account for the unique, time-sensitive nature of the Appellant's irreparable harm. With a terminal academic deadline of June 15, 2026, the Respondent's continued misrepresentation of the Appellant's academic record creates prejudice that cannot be cured by future monetary damages. Because this Court possesses the supervisory authority to prevent a manifest injustice and the denial of due process, it is the only forum capable of addressing this procedural failure before the Appellant's professional future is irreversibly foreclosed.

II. STATEMENT OF POINTS OVERLOOKED OR MISAPPREHENDED

Pursuant to Rule 221(a), SCACR, the Appellant respectfully submits that this Court overlooked or misapprehended the following material matters of law and fact:

1. **The Mandatory Operation of Rule 36, SCRCP:** The Court overlooked that the Respondent's failure to provide verified and sworn responses to the *First Set of Requests for Admission* constitutes a failure to respond under Rule 36, SCRCP. By operation of law, these matters are deemed admitted. The Court misapprehended that this is a "discovery dispute" to be handled by the trial court; rather, it is a matter of settled law that the facts are *already* established, and the trial court's failure to recognize this is an error of law.
2. **Abuse of Discretion via Judicial Inaction:** The Court overlooked the fact that the trial court has failed to rule on the Appellant's *Motion for Leave to Amend* and *Motion to Supplement* for over three months. This silence is not merely a delay; it is a substantive denial of due process that prevents the case from proceeding to trial.
3. **Irreparable Harm and Lack of Alternative Remedy:** The Court misapprehended the timeline of this litigation. The Appellant's entry into law school is contingent upon a June 15, 2026, deadline. By directing the Appellant back to a lower court that has refused to act, this Court has effectively ensured that the Appellant will be unable to meet this deadline, resulting in permanent, non-compensable harm.
4. **Error in Denying Injunctive Relief and Failure to Expedite Trial:** The Court overlooked that the trial court's denial of the Appellant's request for a Temporary Restraining Order (TRO) & or preliminary injunction was predicated on a misapprehension of the factual record. Because the Respondent failed to comply with Rule 36, the facts supporting the Appellant's request for

injunctive relief were—and are—conclusively established. The trial court's failure to recognize these admissions, and its subsequent refusal to expedite the trial, forces the Appellant to continue suffering irreparable harm. This procedural suppression effectively prevents the Appellant from fulfilling his urgent professional and parental obligations, including his critical federal litigation on behalf of his minor child, by forcing him to remain mired in this state-level procedural deadlock

III. ARGUMENT/DISCUSSION:

PREFATORY NOTE ON PRO SE FILING

The Appellant is appearing *pro se* in this matter. While the Appellant has made every effort to strictly adhere to the South Carolina Appellate Court Rules, he respectfully requests that this Court consider the substance of the arguments presented herein, rather than focusing on technical or formalistic deficiencies. The Appellant is a father currently balancing critical federal litigation and professional obligations; he seeks only the opportunity to have the merits of his case—specifically the Respondent's failure to comply with Rule 36, SCRCP—reviewed in the interest of justice and to prevent manifest injustice.

IV. POINT I: FAILURE TO ADDRESS THE LEGAL EFFECT OF UNVERIFIED RESPONSES TO REQUESTS FOR ADMISSION

A. The Court's May 29, 2026, Order overlooked a dispositive matter of law regarding the Respondent's failure to provide verified and sworn responses to Requests for Admission (RFAs). Under the South Carolina Rules of Civil Procedure (Rule 36), a response to an RFA must be sworn or verified to be legally sufficient. The Respondent's failure to do so renders the requests **deemed admitted**. The Court's failure to address this "deemed admitted" status constitutes a material oversight, as these admissions are essential to establishing the merits of the case. By ignoring this procedural reality, the Court has allowed the Respondent to evade the consequences of their failure to comply with the rules of discovery. In the Appellant's reply to the Respondent for the petition for supersedeas and emergency stay, during his argument in section XI. Rebuttal argument: The lower Court committed a clear error by failing to enforce Rule 36 (b), SCRCP, the Appeals court was provided with evidence of how the Respondent did not abide by the rules and the lower court ignored their conduct:

"The lower court committed a reversible error of law by failing to recognize that the core facts of this dispute have been permanently locked shut by operation of law. Pursuant to Rule 36(a), SCRCP, the Respondent failed to serve timely, verified, and sufficient responses accompanied by an authorized party oath, rendering its response packet a legal nullity. As argued during the hearing, the Respondent's reliance on counsel's signature is a 'legal nullity' that fails to satisfy Rule 33 and 36, SCRCP, (Ex.10 Tr. p. 81, ll. 19-25; p. 82, ll. 1-11).

Under the long-standing mandate of Rule 36(b), SCRCP, matters deemed admitted under this rule are not merely standard pieces of evidence to be weighed or ignored at a judge's discretion; they constitute conclusive judicial admissions that cannot be contradicted or cast aside by a trial court. As established in Town of Summerville v. City of N. Charleston, 378 S.C. 107, 662 S.E.2d 40 (2008), the operation of this rule is self-executing and completely strips the trial court of the discretion to excuse an unsworn procedural default. The lower court's summary denial of injunctive relief directly contradicts these established judicial admissions, constituting a textbook abuse of discretion and an error of law.

Furthermore, the transcript explicitly reveals that the Respondent failed to provide verified responses to the Appellant's Requests for Admission, relying solely on the signature of counsel in direct contravention of Rule 33 and Rule 36, SCRCP. This failure constitutes a procedural default that the lower court ignored, and which this Court must now address to prevent a trial by ambush." (Ex. 10, Tr. p. 77, ll. 18-25; p.78, ll.1-6 & Ex.10, Tr. p.81 ll. 19-25; p. 82 ll.1-11)."

B. The unverified and unsworn response page from the respondent can be seen on page 22 of exhibit B.

V. POINT II: ERROR IN JURISDICTIONAL DETERMINATION

A. The Court's Order states that matters involving ongoing circuit court proceedings are "more properly raised to the circuit court." This conclusion overlooks the Appellant's specific argument that the trial court has systematically failed to enforce the Rules of Civil Procedure, necessitating the supervisory intervention of this Court. The Court of Appeals was established to address precisely these types of institutional procedural failures where the trial court's inaction has resulted in a denial of due process. By declining to exercise its authority, the Court has effectively left the Appellant without a remedy, as the lower court has failed to rule on these dispositive discovery issues.

The following statement mentioned in the Standard of Appellate Review section part A of the Appellant's Reply to the Respondent for the Petition for Supersedeas and Emergency Stay proves why the court has Jurisdiction:

"1. The decision to grant or deny a preliminary injunction is within the sound discretion of the trial court and will not be disturbed on appeal absent an abuse of discretion *County of Richland v. Simpkins*, 348 S.C. 664, 669, 560 S.E.2d 902, 904 (Ct. App. 2002). An abuse of discretion occurs when the trial court's decision is "unsupported by the evidence or controlled by an error of law." Id. > To obtain a preliminary injunction, a party must demonstrate: (1) irreparable harm will occur without the injunction, June 15, 2026, ABA deadline (Ex. 5, p. 23-25) & (Ex. 7, p. 32-41); (2) a likelihood of success on the merits (Ex. 3, p. 15-18); and (3) an inadequacy of a remedy at law (Ex. 5, p. 23-25 & (Ex. 8, p. 57) AJG Holdings, LLC v. Dunn, 382 S.C. 43, 674 S.E.2d 505 (Ct. App. 2009). When a trial court fails to grant relief despite a clear showing of these

factors—particularly where a likelihood of success is established by judicial admissions—it constitutes an abuse of discretion.

2. Following the Respondent's failure to provide timely or legally sufficient responses to discovery, Appellant filed a Motion to Determine Sufficiency of Answers/Responses under Rule 36(a), SCRCP. This motion explicitly requested that the Trial Court formalize the 'deemed admitted' status of facts regarding Appellant's registration and attendance. Despite the clear mandate of the Rules of Civil Procedure, the Trial Court has failed to rule on this motion, allowing the Respondent to continue reporting a 'No Record' status to the LSAC in direct contradiction to the operation of law Scott v. Greenville Housing Authority, 353 S.C. 639, 579 S.E.2d 151 (Ct. App. 2003)."

B. The Appellant acknowledges that injunctive relief is a 'drastic remedy' and rests within the sound discretion of the Court (*AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 674 S.E.2d 505 (Ct. App. 2009)). However, as *AJG Holdings* makes clear, that discretion must be exercised to prevent manifest injustice where a party establishes (1) irreparable harm, (2) a likelihood of success on the merits, and (3) an inadequate remedy at law. Because the Appellant has conclusively established all three prongs—including facts deemed admitted by operation of law under Rule 36—the Court has not only the authority but the duty to intervene to prevent the foreclosure of the Appellant's professional future.
C. If the lower court is clearly committing a legal error but the Appeals court believes a litigant's concerns after a request by the litigant to intervene should be handled by the trial court, where can the litigant obtain a legal remedy to correct the error before his terminal Law school deadline June 15, 2026? If the courts never enjoin the Respondent to correct the Appellant's academic record, the Appellant will be forever barred from Law school admission due to the official transcript requirements; to make matters worse the Appellant will be forever precluded from representing his minor child as counsel and helping her to obtain the justice, protection, and safety she so rightly deserves.
D. So where can a litigant and a minor go to seek refuge to correct the legal burdens the judicial system has placed on them? In the event that the Appeals court does not reconsider the matter and grant this Petition for Rehearing and or motion for reconsideration, vacate its prior May 28, 2026 Order, and enter a new Order remanding the lower courts to deem the facts admitted by operation of law, grant the preliminary injunction, grant the second amended and supplemented complaint, and grant the expedited trial, Appellant request the following:
    1. The Appellant requests that the Appeals court explain why they should not intervene and does not have Jurisdiction when a lower court is making a legal error that suppresses the pace of the legal matter and prevents the Appellant from matriculating into Law school for the 2026 cycle.
    2. The Appellant requests that the Appeals court explain what legal remedy the Appellant has if the lower court made an error in law that is suppressing the case

and the Appeals courts believes the litigants' concerns should only be addressed in the lower courts.

3. The Appellant requests that the Appeals court state whether or not the lower court made an error in not deeming the facts admitted when the Respondent did not compile with Rule 36.
4. The Appellant requests that the Appeals court state whether irreparable harm will be experienced by the Appellant if the Respondent does not correct his academic history before the June 15, deadline.
5. The Appellant requests that the Appeals court state whether irreparable harm will be permanent until the correct academic history for the Appellant is distributed to LSAC, since official transcripts must be sent from all schools for all prospective law students.
6. The Appellant requests that the Appeals court state whether or not the trial court has errored in not granting the Appellant with leave to amend and supplement his complaint to make the Second amended and supplemental complaining the operational pleadings when the motion was filed three months ago on February 25, 2026; as per law this is "freely given when justice so requires."
7. The appellant requests that the Appeals court state whether or not the trial court has erred in not expediting the trial when the facts of the case are no longer in dispute due to the Respondents inability to comply with Rule 36 and they missed the deadline to respond.
8. The Appellant requests that the Appeals court state whether or not the trial court has errored in not granting the Appellant's TRO & or preliminary injunction when per operation of law the facts that should be conclusively admitted will guarantee that all the merits are met to meet the criteria for injunctive relief.

E. However, the Appellant prays that the court will reconsider the matter and recognize that the Appeals court was created for matters such as this and that the lower courts made an error in not deeming the matters admitted by operation of law, since the Respondent did not comply with the rules and missed the deadline to correct their error; this has led to a domino effect on the aforementioned motions and has caused the case to stall and this may result in permanent irreparable harm if the Appellant's academic record is not corrected before June 15, 2026.

VI. POINT III: IRREPARABLE HARM REGARDING IMMINENT ACADEMIC DEADLINES

A. The Court's failure to grant the requested relief imposes immediate and irreparable harm upon the Appellant, specifically regarding an academic deadline of June 15, 2026. This deadline represents a critical juncture in the Appellant's professional and academic future. Because the Respondent has failed to provide verified responses to the Requests

for Admission—thereby admitting by operation of law that the records in question are inaccurate—there is no remaining factual basis for the Respondent to continue withholding or misrepresenting the Appellant's academic standing.

B. The Court's inaction effectively permits the Respondent to continue a pattern of administrative suppression that will result in the Appellant's permanent exclusion from academic advancement, causing damage that cannot be corrected through subsequent monetary damages. Consequently, the Appellant respectfully requests that this Court exercise its authority to enjoin the Respondent to correct these academic records immediately, ensuring that the Appellant's status is accurately reflected prior to the June 15, 2026, deadline. Failure to intervene at this juncture will render the Appellant's ongoing pursuit of justice futile for the 2026 Law school cycle, as the irreversible harm to his educational career will have already occurred.
C. Additionally, the Respondent continues to possess $961 dollars for a service that was never completed. This $961 is money the Appellant could be utilizing for his daughter's Federal Civil lawsuit and money that could be utilized for his Law school profile.
D. This matter was discussed in the Standard of Appellate Review section part G of the Appellant's Reply to the Respondent for the Petition for Supersedeas and Emergency Stay:

"Restitution and Unjust Enrichment Under South Carolina law, a party is unjustly enriched when it has received a benefit at the expense of another and it would be inequitable for that party to retain that benefit without payment. Ellis v. Smith Grading & Paving, Inc., 294 S.C. 470, 366 S.E.2d 12 (Ct. App. 1988). Here, the Respondent has retained $961.00 in payments provided by the Appellant while simultaneously refusing to provide the corresponding academic services for which the funds were paid. Retention of these funds without performance constitutes unjust enrichment, and this Court has the equitable authority to order restitution to prevent this manifest inequity."

VII. POINT IV: DENIAL OF DUE PROCESS THROUGH JUDICIAL INACTION AND UNDUE DELAY

A. The Appellant has suffered, and continues to suffer, severe procedural prejudice due to the lower court's persistent inaction. For over three months, the Appellant's *Motion for Leave to Amend* and *Motion to Supplement the Complaint* have remained pending and unaddressed. This judicial silence acts as a substantive barrier, placing the litigation in a state of suspended animation. Furthermore, the Appeals court has already supplemented the record with the Second Amended and Supplemented complaint and it has been incorporated into the appellate record. Under Rule 15, SCRCP, leave to amend should be "freely given when justice so requires." The lower court's refusal to rule for three months, despite the clear mandate of Rule 15, constitutes an abuse of discretion and a denial of the Appellant's right to proceed to a trial on the merits.

B. This matter was discussed in the Standard of Appellate Review section part H of the Appellant's Reply to the Respondent for the Petition for Supersedeas and Emergency Stay:

"While a trial court has broad discretion over its docket, an abuse of discretion occurs when the court's failure to act is controlled by an error of law or results in the effective denial of a legal right. When the underlying facts of a case are conclusively established by operation of law (Rule 36, SCRCP), the refusal to expedite the remaining proceedings is reviewed for an abuse of discretion (Ex. 3, p. 15-18)."

VIII. POINT V: FAILURE TO GRANT AN EXPEDITED TRIAL TO AVOID SUBSTANTIAL IRREPARABLE HARM:

Given that the foundational elements of registration, attendance, and financial performance are now conclusively established by operation of law, the triable scope of this litigation has narrowed exclusively to the determination of final remedies and damages (Ex. 3, p. 15-18) & (Ex.10, Tr. p. 75, ll. 12-25;p. 76, p.77 ll. 1-5). The lower court erred in refusing to issue an Amended Scheduling Order and an Expedited Trial Date (S.C. Const. Art. I, § 9), actively permitting the Respondent to exploit administrative delays to run out the clock on the Appellant's professional entry and his parental duty to advocate for his minor child. The failure prevents the Appellant from expending his energy on his daughter's federal civil lawsuit and prospective law school career.

IX. POINT VI: FAILURE TO GRANT TRO & OR PRELIMINARY INJUNCTION & EXPEDITATE THE TRIAL

A. The trial court's denial of the Appellant's TRO & or preliminary injunction was a manifest error of law because the Court failed to give effect to the Rule 36 admissions. The Appellant provided evidence that the Respondent's 'No Record' status was factually incorrect. By failing to deem the facts admitted, the trial court acted as if there was a 'dispute' where none legally existed. This error is not merely technical; it is the direct cause of the irreparable harm the Appellant faces regarding the June 15, 2026, law school deadline. Furthermore, since the facts regarding registration and attendance are no longer in dispute due to the Respondent's admissions, the court's failure to expedite the trial constitutes a refusal to provide a remedy for a clear legal violation, unnecessarily draining the Appellant's resources and interfering with his ability to advocate for his child in federal court.
B. The trial court erred in denying the Appellant's request for a Temporary Restraining Order. Under *County of Richland v. Simpkins*, 348 S.C. 664, 669, 560 S.E.2d 902, 904 (Ct. App. 2002), a party is entitled to injunctive relief upon demonstrating irreparable harm, a likelihood of success on the merits, and the absence of an adequate remedy at law.

Here, the Appellant satisfied all three prongs:

1. **First**, the Appellant faces irreparable harm regarding the June 15, 2026, academic deadline and a permanent barrier to Law school acceptance even after the 2026 cycle, if his academic records are never corrected.
2. **Second**, the Appellant has a clear likelihood of success on the merits because the Respondent's failure to answer the Requests for Admission means the facts are 'Deemed Admitted' by operation of law (*Rule 36, SCRCP*).
3. **Third**, there is no adequate remedy at law, as the irreparable damage to the Appellant's academic and professional future cannot be compensated through post-trial damages.

X. PRAYER FOR RELIEF

WHEREFORE, for the reasons set forth above, the Appellant respectfully requests that this Court grant this Petition for Rehearing, or in the alternative, grant this Motion for Reconsideration, and vacate its Order of May 29, 2026, and enter a new order:

1. **Directing the Circuit Court to Recognize the Legal Effect of Non-Compliance:** Remanding this matter to the 5th Judicial Circuit with instructions to recognize that the Respondent's failure to provide verified and sworn responses to the Requests for Admission constitutes a failure to respond under Rule 36, SCRCP, thereby causing all matters to be **deemed admitted by operation of law**.
2. **Addressing the Prejudice to Ongoing Proceedings:** Recognizing that because the Requests for Admission are deemed admitted, these facts are conclusively established. Consequently, this legal error has fundamentally altered the posture of this case, effectively stalling and rendering moot the necessity of the issues addressed at the May 4, 2026, circuit court hearing, as there no longer exists a genuine dispute of material fact regarding these points.
3. **Correcting the Jurisdictional Error:** Reconsidering the Court's previous position and recognizing that this Court, as an appellate body, is the proper forum for correcting clear errors of law where the lower court has failed to enforce the mandatory Rules of Civil Procedure. The lower court committed a reversible error of law by failing to deem the matters admitted despite the Respondent's failure to comply with the rules and their subsequent failure to move for an extension or correction of their procedural default.

4. GRANTING EMERGENCY INJUNCTIVE RELIEF. That states the Respondent University of South Carolina, including its officers, employees, and agents, is **RESTRAINED AND ENJOINED** from:

A. Representing to the Law School Admission Council (LSAC), Parchment, or any third party that Appellant "never attended" the University of South Carolina; and

B. Conditioning Appellant's access to academic transcripts or enrollment verification on re-enrollment or payment of disputed charges.

5. GRANTING MANDATORY AFFIRMATIVE RELIEF. Stating the Respondent shall, within **twenty-four (24) hours** of the entry of this Order:

A. Release to the LSAC an official academic transcript or enrollment verification reflecting Appellant's Spring 2025 enrollment and subsequent withdrawal status;
B. Transmit a **Formal Letter of Correction** to the LSAC and Parchment stating that previous reports of "No Record" were administrative errors and that Appellant was a formally admitted and enrolled student.

6. RESTITUTION. Order the immediate return of the $961.00 to the Appellant, as Respondent's refusal to acknowledge the record renders the retention of these funds an act of unjust enrichment that obstructs Appellant's ability to provide for his daughter's legal needs. Respondent shall issue a refund of **$961.00** to the Appellant via check or electronic transfer within **forty-eight (48) hours** of this Order. These funds shall be treated as direct restitution and shall not be applied as a "credit" toward other disputed balances.

7. WAIVER OF BOND. Pursuant to Rule 241(c)(2), SCACR, the Court finds that a bond is not required for the issuance of this stay or the return of the **$961.00** restitution payment. As this payment was made under a documented Repayment Agreement for the specific purpose of record release—a service the Respondent subsequently withheld—the return of these funds is necessary to restore the *status quo ante* and does not constitute a monetary judgment requiring security.

8. No Adjudication on Damages. Nothing in this Order adjudicates Plaintiff's claims for monetary damages, which are expressly preserved.

9. Addressing Judicial Inaction: Recognizing that the lower court's failure to rule on the Appellant's *Motion for Leave to Amend* and *Motion to Supplement the Complaint* for a period exceeding three months constitutes an undue delay that prevents the fair and efficient administration of justice.

10. **Mandating Procedural Resolution:** Directing the lower court to enter a ruling on the *Motion for Leave to Amend* and *Motion to Supplement the Complaint* within [ten (10)] days. Given that these amendments have already been supplemented to the appellate record and meet the requirements of Rule 15, SCRCP, which dictates that leave to amend shall be "freely given," this Court should direct the lower court to grant the motions to ensure the case may proceed to a trial on the merits without further prejudice.

11. EXPEDITED TRIAL. Issue an order directing the Clerk of the Circuit Court to set this matter for an **Expedited Trial** on the issue of damages during the **July 2026** term, since the legal error of not deeming the facts as admitted has fundamentally altered the posture of this case, effectively stalling it. Since there no longer exists a genuine dispute of material fact regarding these points an expedited trial is necessary for judicial economy and to prevent further irreparable harm.

12. **Granting Such Other Relief:** Providing such other and further relief as this Court deems just and proper to ensure the integrity of the judicial process and the protection of the Appellant's due process rights.

Finally, the Appellant respectfully requests that the Court consider the profound implications that this ruling will have on his minor child's protection, safety, health, and overall well-being.

XI. VERIFICATION AND ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, **Ubong Christopher Ubokudom**, being first duly sworn, depose and say that I am the Affiant named in the foregoing Affidavit; that I have read the same and know the contents thereof; and that the facts stated therein are true to the best of my knowledge, information, and belief.

_____ Date: 5/31/26

Signature of Affiant (Ubong Christopher Ubokudom)

"My truth is all I have to protect my daughter; this truth, in addition to the honesty and empathy of others, I hope will eventually lead to the safety and justice she so desperately needs and deserves." Ubong Christopher Ubokudom

NOTARIAL CERTIFICATE

Subscribed and sworn to (or affirmed) before me this 31 day of May, 2026, by

Ubong Christopher Ubokudom, who is personally known to me or who has produced a Driver's License as identification.

Kelley Megan Mathis

Signature of Notary Public, State of South Carolina

My Commission Expires: 12/28/28

KELLEY MEGAN MATHIS
Notary Public, State of South Carolina
My Commission Expires 12/28/2028

KELLEY MEGAN MATHIS NOTARY PUBLIC SOUTH CAROLINA

EXHIBIT A

The South Carolina Court of Appeals

RECEIVED
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SC Court of Appeals

Ubong Christopher Ubokudom, Appellant,

v.

The University of South Carolina, Respondent.

Appellate Case No. 2026-000348

ORDER

On February 17, 2026, Appellant filed a notice of appeal from a circuit court order that denied his motion for a temporary restraining order pursuant to Rule 65 of the South Carolina Rules of Civil Procedure and provided that Appellant's motion for a temporary injunction would remain as scheduled.[1] Simultaneously with his notice of appeal, Appellant also filed a petition for a writ of mandamus or for injunctive relief. In his filing, Appellant asked this court to (1) enjoin Respondent from misrepresenting his enrollment status and withholding records until the merits of the case can be heard, (2) vacate the circuit court hearing scheduled for May 4, 2026, (3) issue a writ of mandamus directing the circuit court to schedule an immediate status conference or emergency hearing on the merits "to resolve the remaining discovery and trial schedule," and (4) retain jurisdiction until the circuit court and Respondent have complied. On March 9, 2026, the court denied Appellant's petition for a writ of mandamus or for injunctive relief.

On May 12, 2026, Appellant filed a second notice of appeal from a May 8, 2026 circuit court order denying Appellant's request for an injunction. Appellant also filed a motion titled "Petition for Supersedeas and Emergency Temporary Stay," seeking (1) a stay of the May 8, 2026 order, (2) an order deeming admitted all matters in Appellant's First Set of Requests for Admission, (3) an injunction that requires Respondent to issue an accurate enrollment record for Appellant, (4) a temporary restraining order enjoining Respondent from representing that Appellant

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[1] Appellant indicated the motion for a temporary injunction was scheduled to be heard on May 4, 2026.

never attended the University of South Carolina, requiring Respondent to release an official academic transcript and a letter of correction, preventing Respondent from conditioning Appellant's access to an academic transcript or other education record on re-enrollment or payment of disputed charges, and requiring Respondent to transmit a formal letter of correction to a specific entity, (5) this court to order the immediate return of $961.00 from Respondent to Appellant, (6) waiver of any bond requirement, and (7) an order expediting a trial on the issue of damages for the July 2026 term and granting leave to file a second amended and supplemented complaint and a motion to compel and require Respondent to "properly satisfy Rule 33." On May 21, 2026, Respondent filed a return, opposing the motion. Appellant filed a reply.

After careful consideration, we deny Appellant's May 12, 2026 petition for a writ of supersedeas in its entirety. *See* Rule 241(c)(1), SCACR ("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."); *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 51, 674 S.E.2d 505, 508 (Ct. App. 2009) ("Generally, for a preliminary injunction to be granted, the plaintiff must establish that: (1) he would suffer irreparable harm if the injunction is not granted; (2) he will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law."). Further, matters involving ongoing circuit court proceedings are more properly raised to the circuit court.

_____ J.

FOR THE COURT

Columbia, South Carolina

FILED
May 28 2026

cc:
Ubong Christopher Ubokudom
Jacob Alan Biltoft, Esquire

EXHIBIT B

STATE OF SOUTH CAROLINA **COUNTY OF RICHLAND** Ubong Christopher Ubokudom, Plaintiff, v. University of South Carolina, Defendant.	)	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** Civil Action No. 2026-CP-40-00645 **DEFENDANT'S RESPONSES TO PLAINTIFF'S REQUESTS FOR ADMISSION**

TO: UBONG CHRISTOPHER UBOKUDOM, PRO SE PLAINTIFF:

Defendant University of South Carolina (hereinafter "Defendant"), by and through its undersigned attorneys, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, hereby responds to Plaintiff's Requests for Admissions, as follows:

GENERAL OBJECTIONS

Defendant objects to the Plaintiff's inclusion of the headings or alleged causes of action listed by the Plaintiff preceding the Requests for Admission, as they are mere legal conclusions and do not "relate to statements or opinions of fact or of the application of law to fact" as required by Rule 36, SCRCP. Defendant denies that Plaintiff has sufficiently pled or established any cause of action, denies that any Response set forth by Defendant below establishes any element of any cause of action listed, and denies that any Response serves as a concession that such a cause of action is sufficiently pled or shown. Defendant also states that no separate series of attached Exhibits accompanied these Requests and Defendant is not able to determine in every instance which specific document the Request references by letter/Exhibit heading. Defendant craves reference to the specific language set forth within

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the document being referenced.

REQUESTS FOR ADMISSION

1. (Count I: Declaratory Judgment): Admit that University ID Card T07579056 (**Exhibit B**) was issued by the Defendant's ticketing or carding office as a result of the Plaintiff's status as a registered student.

RESPONSE: **Admit.**

2. (Count II: Breach of Implied Contract): Admit that the University's financial ledger for the Spring 2025 semester reflects a payment of **$961.00** (**Exhibit G**) applied toward the Plaintiff's student account.

RESPONSE: **Admit.**

3. (Count III: Promissory Estoppel): Admit that the University communicated to the Plaintiff that the payment of a $961.00 housing balance (**Exhibit H**) was a requirement for the release of his academic records.

RESPONSE: **Denied as worded. In further responding, Defendant states that the release of the administrative hold placed on Plaintiff's account, not the production or release of any specific record or document, was contingent upon the above-mentioned payment. Defendant craves reference to the applicable USC policies and the language of the repayment agreement.**

4. (Count IV: Breach of Duty under SC APA): Admit that on January 20, 2026, the University issued a written admission stating that the Plaintiff "**registered and attended**" classes (**Exhibit A**).

RESPONSE: **Admit.**

5. (Count V: Specific Performance): Admit that the Defendant has the technical capability to transmit an electronic record to the LSAC or Parchment that accurately reflects the Plaintiff's registration history.

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RESPONSE: **Admit. Defendant has sent a communication to LSAC accurately reflecting the Plaintiff's USC academic record.**

6. (Count VI: Gross Negligence): Admit that the Defendant's internal "USC Account Statement" for "Term: Spring 2025" (**Exhibit I**) shows a Federal Pell Grant was attached to the Plaintiff's student profile.

RESPONSE: **Denied.**

7. **RFA NO. 7 (Count VII: Defamation Per Se):** Admit that the Defendant communicated to the Law School Admission Council (LSAC) that the Plaintiff has "**no official record of academic work**" or "**no enrollment history**" at the University.

RESPONSE: **Admit.**

8. (Count VIII: Breach of Contract w/ Fraudulent Act): Admit that the University's transmission of a "No Record" notice to the LSAC (**Exhibit K**) was sent despite the existence of the internal "Registered and Attended" status documented in **Exhibit A**.

RESPONSE: **Denied as worded. Plaintiff registered for courses at USC and attended classes, and Plaintiff does not have any graded coursework or academic record with USC due to failure to pay tuition.**

9. **RFA NO. 9 (Count I: Declaratory Judgment / Ref: Exhibit B):** Admit that the **University ID Card (T07579056)** shown in Exhibit B is an authentic document generated by the Defendant's official systems and that its issuance requires a student to be "active" in the University's enrollment database at the time of printing.

RESPONSE: **Denied. Defendant craves reference to the policies and procedures associated with issuance of "Carolina Card" student IDs.**

Section 2: Requests for Admission of Fact (Limit: 20)

10. (Ref: Answer ¶ 5): Admit that the Defendant's internal "Banner" or Student Information System contains an entry for the Plaintiff for the Spring 2025 term with the status code

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or notation "Registered and Attended."

RESPONSE: **Denied.**

11. (Ref: Answer ¶ 5): Admit that the Defendant certified the Plaintiff's enrollment for the Spring 2025 semester to the U.S. Department of Education for the purpose of receiving Federal Pell Grant funds.

RESPONSE: **Denied. Records show only that Plaintiff received a student loan, not a Pell Grant.**

12. (Ref: Answer ¶ 7): Admit that the Defendant's report to the Law School Admission Council (LSAC) stating "no enrollment history" was sent *after* the Defendant had already generated the internal record in Exhibit A admitting the Plaintiff "registered and attended."

RESPONSE: **Upon information and belief, after thorough and good-faith analysis of all information and materials available to Defendant, Defendant lacks sufficient information to admit or deny this Request. Both communications took place on the same day.**

13. (Ref: Answer ¶ 28): Admit that the Defendant has no evidence of any "external event" that physically prevented the Defendant from transmitting an accurate academic record to the LSAC.

RESPONSE: **Defendant objects to this Request as it is vague and ambiguous regarding the definition of "external event" or "physically prevented" in context of the facts of this case. Subject to and not waiving this Objection, Defendant admits that it was not prevented from transmitting an accurate academic record to LSAC, and Defendant asserts that it did send an accurate record to LSAC.**

14. (Ref: Answer ¶ 30): Admit that the Defendant accepted and has not refunded the $961.00 payment (Exhibit G) made by the Plaintiff for a housing debt.

RESPONSE: **Admit.**

15. Admit that it is the official position of the University Registrar's office that it may withhold transcripts if it "fails to see how [releasing the record] would benefit" a student (**Exhibit J**).

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RESPONSE: **Denied.**

16. (Count II: Breach of Implied Contract / Ref: Exhibit G): Admit that the Defendant's acceptance of **$961.00** from the Plaintiff (Exhibit G) created an obligation for the Defendant to maintain accurate and accessible administrative records for the Plaintiff for the Spring 2025 term.

RESPONSE: **Denied. In further responding, Defendant states that it did maintain accurate records regarding Plaintiff's Spring 2025 term. The amount paid was for Plaintiff's debt previously owed to Defendant.**

17. (Count III: Promissory Estoppel / Ref: Exhibit H): Admit that the email in **Exhibit H** constitutes a promise by the University that payment of the $961.00 balance would result in the "updating" or "release" of the Plaintiff's academic records.

RESPONSE: **Denied.**

18. (Count IV: Breach of Duty under SC APA / Ref: Exhibit A & C): Admit that the Defendant has no administrative record or policy that justifies issuing an "Admission of Truth" (**Exhibit A**) and a "Non-Enrollment Letter" (**Exhibit C**) on the same day for the same student.

RESPONSE: **Defendant objects to this Request as it is vague and ambiguous regarding the information sought. Defendant also objects to the characterization via the quoted language regarding the documents referenced above, and Defendant craves reference to the specific language within those documents. Subject to and not waiving this Objection, Denied.**

19. (Count V: Specific Performance / Ref: Exhibit D): Admit that the "cancellation" of the transcript request shown in **Exhibit D** was initiated by a manual action or instruction provided by the Defendant to the Parchment service.

RESPONSE: **Defendant is unable to determine which "Exhibit D" is referenced above, as Plaintiff has submitted various filings with different attachments labeled "Exhibit D" with no specific exhibit attached with these Requests. Thus, Defendant is unable to determine which transcript request cancellation is referenced above, and Defendant therefore denies as worded. In further responding, Defendant states that the first three transcript requests from Plaintiff were affirmatively cancelled before Parchment involvement due to the account hold, and the fourth was cancelled or retracted after delivery to LSAC due to lack of a transcript containing USC coursework and the record containing only transfer coursework. Subsequent request cancellations were automated.**

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20. (Count VI: Gross Negligence / Ref: Exhibit I): Admit that the Defendant's financial aid office received and processed **Federal Pell Grant** funds for the Plaintiff's "Term: Spring 2025" as shown in the official USC Account Statement (**Exhibit I**).

RESPONSE: **Denied.**

21. (Count VII: Defamation Per Se / Ref: Exhibit K): Admit that the statement "no official record of academic work" transmitted to the **LSAC (Exhibit K)** is factually inconsistent with the Defendant's internal records showing the Plaintiff "registered and attended."

RESPONSE: **Denied.**

22. (Count VIII: Breach of Contract w/ Fraudulent Act / Ref: Exhibit F): Admit that at the time the Defendant reported "no record" to third parties, the Defendant's agents were aware that the Plaintiff was using those records to apply to law schools.

RESPONSE: **Admit to the extent the Request states that Defendant reported that Plaintiff had no USC academic record and that Defendant was aware Plaintiff was attempting to apply to law school. Defendant denies the remainder of this Request, and asserts that Plaintiff has no USC transcript.**

23. (Count IX: IIED / Ref: Exhibit J & E): Admit that the statement in **Exhibit J** (failing to see how a transcript "would benefit" the Plaintiff) was made by a University official who had the authority to release or withhold the Plaintiff's records.

RESPONSE: **Denied; the bursar office does not have the unilateral "authority to release or withhold the Plaintiff's records."**

24. (Justification of Damages / Ref: Exhibit E): Admit that the Defendant has no evidence to contradict the fact that its administrative obstruction has directly interfered with the Plaintiff's court-ordered duty to represent his daughter in **Federal Case No. 3:25-cv-12608 (Exhibit E)**.

RESPONSE: **Denied, and Defendant denies any "administrative obstruction."**

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25. (Destruction of Unique Opportunity): Admit that the Defendant was aware, via the **Harvard Law School notice (Exhibit F)**, that the Plaintiff possessed a unique and high-value professional opportunity that would be permanently forfeited if the Defendant reported "No Record" to the LSAC.

RESPONSE: **Denied.**

26. (Intentionality of the Block): Admit that the decision to report "No Record" to the LSAC was an intentional administrative choice made with the knowledge that it would prevent the Plaintiff from meeting the court-ordered requirement for counsel in **Federal Case No.** 3:25-cv-12608.

RESPONSE: **Denied.**

27. (Valuation of Federal Claims): Admit that the Defendant has no evidence to dispute the Plaintiff's valuation of damages in the amount of $1,000,000,000.00, given the life-threatening risks and permanent physical injuries detailed in the Federal Case Packet (Exhibit E).

RESPONSE: **Denied.**

28. (Gatekeeping of Rights): Admit that by withholding the Plaintiff's records, the University acted as a "gatekeeper" to the Plaintiff's access to the federal judiciary and his ability to protect the constitutional rights of a minor child.

RESPONSE: **Denied.**

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29. (Lack of Mitigation): Admit that despite receiving the Plaintiff's formal grievances and evidence of enrollment (Exhibits A, B, and I), the Defendant took no steps to mitigate the Plaintiff's damages by issuing a temporary or corrected transcript to the LSAC.

RESPONSE: **Denied as worded; Defendant denies that Plaintiff incurred any damages and denies that there is any transcript or enrollment status of Plaintiff to be "corrected." Defendant denies any liability and denies any breach of any duty.**

s/Jacob A. Biltoft
Janet Brooks Holmes, Esq. (SC Bar # 11826)
Jacob A. Biltoft, Esq. (SC Bar # 105349)
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P: (803) 256-4645
F: (803)765-1839
Attorneys for Defendant

Columbia, South Carolina
April 2, 2026

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STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	C/A No.: 2026-CP-40-00645
Ubong Christopher Ubokudom,	)	
Plaintiff,	)	
	)	**CERTIFICATE OF SERVICE**
v.	)	
University of South Carolina,	)	
Defendant.	)	

The undersigned hereby certifies that on **April 2, 2026**, ***Defendant's Responses to Plaintiff's Requests for Admission*** was duly served upon the Plaintiff concurrently via email and Certified Mail to:

Ubong Christopher Ubokudom
P.O. Box 1594
Columbia, South Carolina 29202

cubok1@gmail.com

s/Jacob A. Biltoft
Jacob A. Biltoft
The McKay Firm, PA

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Ubong Christopher Ubokudom, *Appellant,*

v.

University of South Carolina, *Respondent.*

Appeal From Richland County Court of Common Pleas Case No.: 2026-CP-40-00645

Appellate Case No.: 2026-000348

PROOF OF SERVICE

I, Ubong Christopher Ubokudom, acting *Pro Se*, do hereby certify that on this 31st day of May, 2026, I served the **Petition for Rehearing & Or Motion for Reconsideration** upon Respondent's counsel of record, Mr. Jacob Biltoft, via electronic mail. A courtesy copy will be hand-delivered on June 1, 2026.

1. **PETITION FOR REHEARING & OR MOTION FOR RECONSIDERATION**
2. **SC Court of Appeals Order May 28, 2026**
3. **Respondent's unverified and unsworn responses to the first request for admissions**

Service was directed to: Jacob Biltoft, Esq. 3700 Forest Dr. Columbia, SC 29204 Email: jbiltoft@mckayfirm.com

Respectfully,

5/31/26

/s/ Ubong Christopher Ubokudom
Ubong Christopher Ubokudom
cubok1@gmail.com
248-952-7833
P.O. Box 1594 Columbia, SC 29202
Appellant Pro Se
Dated: May 31, 2026