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Jun 01 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Robert J. Bonds, Circuit Court Judge  
The Honorable Deadra L. Jefferson, Circuit Court Judge  
The Honorable R. Kirk Griffin, Circuit Court Judge  
Case No. 2011-CP-10-07166

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Appellate Case No. 2026-000244

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Otha Delaney, Individually and on behalf of all others similarly situated,  
..... Respondent,

First Financial of Charleston., Inc., .....Appellant  
v.

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**APPELLANT’S MOTION TO EXCEED PAGE LIMITS**

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First Financial of Charleston, Inc. (FFC) moves this Court pursuant to Rules 208(b)(5) and 240, SCACR, for permission to exceed the 50-page limitation for its Appellant’s Brief, requesting an additional 15 pages.

**Relevant Background**

The issues involved in this appeal are numerous, complex, and have occurred over a lengthy period of time. Generally, this case involves a class action pending since 2011 that indicts Appellant’s conduct occurring over more than a decade for its use of multiple notices before and after selling repossessed vehicles that it had financed to debtors. The case was initially dismissed, appealed, and remitted; but remittitur was recalled and, eventually, the South Carolina Supreme Court reversed and remanded. Respondent amended the complaint to include additional claims,

and the circuit court certified the class with Delaney as its sole representative. Appellant learned Delaney had filed for bankruptcy three times during litigation, implicating issues of his standing and a bankruptcy stay. The circuit court granted Respondent's motion for summary judgment, Respondent was permitted to have other class representatives intervene, and the court denied a motion to decertify the class. Appellant appealed three orders: (1) order granting Respondent summary judgment and denying Appellant summary judgment; (2) order granting the motion to intervene; and (3) order denying the motion to decertify.

### **Argument**

Rule 208(b)(5) states "principal briefs shall not exceed fifty (50) pages." It is unclear from the rule or any case law referencing the rule what counts towards that page limit. However, considering Rule 208(b)(1) requires an appellant's brief to include "(A) Table of Contents and Cases," "(B) "Statement of Issues on Appeal," "(C) Statement of the Case," "(D) Standard of Review," "(E) Argument," and "(F) Conclusion," it stands to reason that those sections count towards the page limit.

Appellant intends to argue seven issues on appeal, many of which have multiple sub issues, on the following general topics: (1) effect of the bankruptcy on litigation and class standing; (2) the circuit court's reliance on an order denying a motion to dismiss; (3) impact of prior remittitur; (4) summary judgment merits on the four notices at issue under the S.C. Uniform Commercial Code; the statute of limitations; (5) whether Rule 23, SCRPC bars summary judgment; (6) propriety of the order refusing to decertify the class; and (7) propriety of the order permitting intervention. These issues involve multiple complex and interwoven areas of law, including statutes and cases dealing with bankruptcy, class action, the S.C. Uniform Commercial Code, standing, and appellate law. Notably, the order granting summary judgment is 46 pages itself.

Appellant’s current initial brief stands at 63 pages with the following breakdown:

<b>Section</b>	<b>Number of Pages</b>
Caption/Cover Page	1
Table of Contents	2
Table of Authorities	5
Statement of Issues/Case/Facts	7
Standard/Argument/Conclusion	48
<b>Total</b>	<b>63</b>

Appellant has already edited and revised the initial brief multiple times, reducing it from 73 pages to 63. Appellant cannot reduce the pages further—especially not 12 pages (not including caption) to reach the page limitation as noted in the rule—without sacrificing arguments that will impact Appellant’s ability to adequately address all issues on appeal. As this Court is aware, the failure to adequately address all issues on appeal can have drastic consequences. *See First Sav. Bank v. McLean*, 314 S.C. 361, 444 S.E.2d 513 (1994) (finding issue abandoned for failure to provide supporting authority or argument); *R & G Constr., Inc. v. Lowcountry Reg'l Transp. Auth.*, 343 S.C. 424, 540 S.E.2d 113 (Ct. App. 2000) (finding issue abandoned if arguments are conclusory); *see also Palmetto Constr. Grp., LLC v. Restoration Specialists, LLC*, 444 S.C. 328, 346–47, 907 S.E.2d 129, 139 (Ct. App. 2024) (finding a party must make cogent, supported arguments in its brief and cannot adopt or incorporate other filings to minimize that burden to bypass the 50-page limitation).

Appellant is confident it can keep the total not including cover page to 62 pages and, therefore, needs an additional 12 pages above the page limitation to adequately address the issues on appeal. Appellant consulted with Respondent’s counsel on this motion requesting consent to the extension, but Respondent’s counsel has not consented. *See Exhibit A*. If the Court is inclined to grant the motion, Appellant requests the same courtesy be extended to Respondent’s counsel for their Respondent’s Brief should they need it.

Therefore, Appellant requests this Court allow it to exceed the page limitation by 12 pages.

COPELAND, STAIR, VALZ & LOVELL, LLP

This 1st day of June, 2026.

*s/Skyler C. Wilson*

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**PROOF OF SERVICE**

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I certify that on June 1, 2026, I have served *Appellant’s Motion to Exceed Page Limits*, upon the parties below by electronic mail, addressed as follows:

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***Counsel for First Financial of Charleston***

This 1<sup>st</sup> day of June, 2026.

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*s/Skyler C. Wilson*  
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***Attorneys for Appellant***

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SC Court of Appeals

**From:** [Deshields, Brenten H.](#)  
**To:** [Thomas Iandoli](#)  
**Cc:** [Wilson, Skyler C.](#); [Ashley Twombly](#); [Rewt, Teri J.](#); [Mitch Brown](#)  
**Subject:** RE: Delaney v. FFC - Motion to Exceed  
**Date:** Friday, May 29, 2026 2:14:58 PM  
**Attachments:** [image001.png](#)

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Thomas:

We are required to attack every position in the Circuit Court's lengthy (46-page) Order. We have made substantial cuts; unfortunately, still exceed the 50-page limit.

Best,



**Brenten DeShields**

Associate

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**From:** Thomas Iandoli <iandoli@twlawfirm.com>  
**Sent:** Friday, May 29, 2026 12:45 PM  
**To:** Deshields, Brenten H. <Bdeshields@csvg.law>  
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**Subject:** Re: Delaney v. FFC - Motion to Exceed

Brent, in our experience the court rarely grants such motions. We cannot consent without having a better understanding of why your client needs to exceed the page limits.

**Thomas Blase Iandoli**  
**Associate Attorney**  
**Twenge + Twombly Law Firm**  
**Direct: (854) 279-7398**

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**From:** Deshields, Brenten H. <[Bdeshields@csvg.law](mailto:Bdeshields@csvg.law)>  
**Sent:** Friday, May 29, 2026 11:08 AM  
**To:** Thomas Iandoli <[iandoli@twlawfirm.com](mailto:iandoli@twlawfirm.com)>  
**Cc:** Wilson, Skyler C. <[swilson@csvg.law](mailto:swilson@csvg.law)>; Ashley Twombly <[twombly@twlawfirm.com](mailto:twombly@twlawfirm.com)>; Rewt, Teri J. <[trewt@csvg.law](mailto:trewt@csvg.law)>

**Subject:** Delaney v. FFC - Motion to Exceed

Good morning, Thomas:

Happy Friday. We're going to be filing a motion to exceed page limits for our initial brief of our appeal. Are you willing to consent to our motion? We will, of course, consent for Respondent-Appellant to exceed page limits for the initial brief for our appeal as well.

Best,



**Brenten DeShields**

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**Cc:** [Wilson, Skyler C.](#); [Deshields, Brenten H.](#); [Wright, Ella M.](#)  
**Subject:** Otha Delaney, Respondent v. First Financial of Charleston, Appellant; Appellate Case No.: 2026-000244; CSVL File No.: 70041  
**Date:** Monday, June 1, 2026 3:13:00 PM  
**Attachments:** [image001.png](#)  
[Appellant's Motion to Exceed Page Limits.pdf](#)

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Good afternoon everyone,

This afternoon, we will be filing the attached Motion to Exceed Page Limits on behalf of Appellant in this case, and you will be copied on that email.

Best regards,



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