THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
Martha M. Rivers, Circuit Court Judge

Appellate Case No. 2025-001596
Case No. 2023-CP-41-00232

Sandra Holmwood and Hugh Price,

Appellants,

v.

Lisa Molstad,

Respondent.

RESPONDENT'S MOTION TO DISMISS APPEAL

Respondent, Lisa Molstad, respectfully submits this Motion to Dismiss Appeal, and in support of this Motion states as follows:

On June 4, 2026, Respondent filed a document that included a Return to the two motions filed by the Appellants, Sandra Holmwood and Hugh Parks Price, on May 26, 2026, and a Motion to Strike the document titled Proof of Service of Record on Appeal also filed by Appellants on May 26, 2026 (collectively, "the May 26 filings"). In the same document, Respondent also submitted Respondent's Motion to Dismiss Appeal. This document is referred to herein as Respondent's "June 4 filing." By separate mailing, Respondent submitted a check for the motion filing fee of $50.00.

By letter dated June 8, 2026, the Court advised counsel for Respondent that the June 4 filing has been accepted and filed as a return to the motions. In that letter, however, the Court advised that a motion to dismiss must be filed as a separate motion with the requisite filing fee. Accordingly, Respondent hereby moves to dismiss the appeal, for all the reasons set forth in the June 4 filing.[1] Respondent incorporates the June 4 filing, including its attached exhibits, into this motion by reference. To the extent the grounds for the Motion to Dismiss must be stated in a motion separate from the June 4 Return and Motion to Strike pertaining to Appellants' May 26 filings, the pertinent aspects of the earlier filing are set out herein as the grounds for this Motion to Dismiss.

At trial and at the outset of this appeal, Appellants were represented by counsel. On December 1, 2025, Appellant's counsel filed a Consent Motion to Withdraw as Counsel for Appellants. On December 8, 2025, counsel filed an initial brief and designation on behalf of Appellant Sandra Holmwood. On December 8, 2025, Appellants filed a separate initial brief and designation, listing themselves as *pro se*. On December 11, 2025, the Court of Appeals issued an order relieving their attorney. On December 16, 2025, Appellants filed a motion to strike the initial brief previously filed by their former counsel. By order dated March 5, 2026, the Court of Appeals granted the motion, accepted the *pro se* initial brief of Appellants, and ordered Respondent to file the initial brief of Respondent within 30 days.

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[1] A motion fee was previously sent to the Court in conjunction with the June 4 filing, one aspect of which was the Motion to Strike one of the documents in the May 26 filing by Appellants. In accordance with the Court's letter of June 8, Respondent is mailing a separate motion fee of $50.00 to cover this Motion to Dismiss, now being filed as a document separate from the June 4 filing's Return and Motion to Strike that pertained to the Appellants' May 26 filings.

On March 31, 2026, Respondent served and filed her initial brief and designation of matter. Appellants were copied on the email by which the Respondent's initial brief and designation were filed with the Court and the email from the Court of Appeals confirming the filing and attaching date-stamped copies of the filed documents. Appellants were also served by United States mail with copies of the Respondent's initial brief and designation.

Pursuant to Rules 208 and 209 of the South Carolina Appellate Court Rules, Appellants had ten days in which to serve and file an initial reply brief and an additional designation of matter to be included in the record on appeal. *See* Rules 208(a)(3), 209(a), SCACR. They filed neither an initial reply brief nor an additional designation of matter. They also did not file any motion seeking an extension of time in which to serve and file an initial reply brief and an additional designation of matter.

Pursuant to Rule 210 of the Appellate Court Rules, Appellants were required to serve the Record on Appeal within thirty days after service of the last brief and were further required to immediately file with the clerk of the appellate court proof of service of the Record on Appeal. *See* Rule 210(a), SCACR. They did not do so. The last brief was filed March 31, 2026. Accordingly, the Record on Appeal was due to be served April 30, 2026. No timely motion was filed by Appellants seeking an extension of time for serving the Record on Appeal. To date, no Record on Appeal has been served upon Respondent, and no proper proof of service has been filed to document that the Record on Appeal has actually been served upon Respondent.

On May 15, 2026, the Court of Appeals sent a letter to the Appellants advising that the time for filing the proof of service for the record on appeal has expired. The Court instructed that the proof of service must be filed within ten days, along with a motion

requesting permission to file outside the deadlines set by the Appellate Court Rules, or the appeal will be dismissed. On May 26, 2026, three separate documents were filed by one or both of the Appellants: (1) "Appellants' Motion for permission to File Proof of Service of Record on Appeal Outside the Deadlines set by Rules 208 and 240, SCACR"; (2) "Proof of Service of Record on Appeal"; and (3) "Appellants' Amended Motion to Supplement the Record on Appeal." All three of these documents contain a typed "signature" of Appellant Sandra Holmwood. One, the document titled "Appellants' Amended Motion to Supplement the Record on Appeal," also bears a handwritten signature of Ms. Holmwood, both on the document itself and on the accompanying certificate of service. Only one of the three documents contains a typed "signature" of Appellant Hugh Parks Price, the document titled "Appellants' Motion for Permission to File Proof of Service of Record on Appeal Outside the Deadlines Set by Rules 208 and 240, SCACR." The other motion, titled "Appellants' Amended Motion to Supplement the Record on Appeal," does not have a typed "signature" of Mr. Price, but its first sentence recites that "co-Appellant Hugh Parks Price" is one of the moving parties. A handwritten signature of Appellant Price does not appear on any of these three documents or their accompanying certificates of service or filing. Respondent's June 4 filing and this Motion to Dismiss address all three of the May 26 filings as if they were filed by both Appellants.

Neither of the Appellants is an attorney licensed in the State of South Carolina. The Court may take judicial notice of that fact, which is documented by the Attorney Search tool on the website of the South Carolina Judicial Branch. While a party who is not a licensed attorney may represent himself or herself *pro se*, such a party is not allowed to represent others as if he or she were a licensed attorney. The May 26 filings recite that Mr.

Price is providing "legal research," "procedural guidance," and "legal assistance" to Ms. Holmwood. As a non-attorney, he is not allowed to do so. It appears that the May 26 filings were accomplished by Ms. Holmwood on behalf of Mr. Price. As a non-attorney, she is not allowed to draft and file documents on behalf of another party. To the extent either of the Appellants may be providing legal representation to the other, Respondent asks the Court to consider whether they are engaged in the unauthorized practice of law.

The May 26 filings assert the Record on Appeal was due May 12, 2026, and that Appellant Price's incarceration on May 4, 2026, caused the Appellants' failure to meet that deadline. This claim is squarely contradicted by the Appellate Court Rules and the admissions in the May 26 filings. The motion seeking permission to file late expressly states, correctly, that the due date for the Proof of Service of the Record on Appeal was "thirty (30) days after Respondent's initial brief was filed on March 31, 2026." The motion, however, incorrectly states the deadline was May 12, 2026. In fact, the deadline was April 30, 2026, thirty days after March 31, 2026. Appellants' motion spuriously claims the failure to meet the deadline "was caused directly and primarily by the sudden incarceration of co-Appellant Hugh Parks Price on May 4, 2026 – a date falling squarely within the thirty-day compliance window – which created an insurmountable practical barrier to timely filing by the remaining pro se Appellant." This representation is simply false. The deadline was April 30. Appellant Price's incarceration did not occur until after the deadline had passed, on May 4. His incarceration did not prevent timely preparation and service of the Record on Appeal. Even if Mr. Price had been incarcerated during the thirty-day period, that incarceration would not have prevented Appellant Holmwood's preparation and service of the Record on Appeal.

Had there been a genuine impediment to preparing and serving the Record on Appeal by the due date of April 30, the Appellate Court Rules contemplate the filing of motions for additional time to meet deadlines established by the Rules. *See generally* Rule 240, SCACR. Indeed, these Appellants are knowledgeable of the availability of such motions, having filed numerous motions in these proceedings and, in the case of Appellant Price, in other appellate proceedings. Despite their awareness of the availability of such relief, no motion was filed within the thirty-day period to seek an extension of the deadline for the Record on Appeal. During that period, Mr. Price was ***not*** incarcerated. Appellants are falsely attempting to justify their non-compliance on the fabricated claim that their non-compliance was due to Mr. Price's incarceration. It was not. He was not incarcerated until May 4, after the requisite time had passed. Even had he been incarcerated during the thirty-day period, his unavailability would not have absolved the other Appellant, Ms. Holmwood, of her own responsibility for compliance with the Appellate Court Rules. The May 4 incarceration is a bogus excuse that should not be countenanced by the Court.

Both the Supreme Court and this Court have emphasized the importance of compliance with the requirements of the Appellate Court Rules:

> The South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.

See Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992); *see also Forner v. Butler*, 319 S.C. 275, 276-77 n.1, 460 S.E.2d 425, 426-27 n.1 (Ct.App. 1995) (quoting *Henning*). This admonition applies with equal force to *pro se* litigants, who are charged with the same responsibilities as legal counsel for compliance with procedural mandates: "A pro se litigant who knowingly elects to represent himself assumes full responsibility for

complying with substantive and procedural requirements of the law." *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003); *see also State v. Policao*, 402 S.C. 547, 558, 741 S.E.2d 774, 779-80 (Ct.App. 2013); *State v. Bryant*, 383 S.C. 410, 418, 680 S.E.2d 11, 15 (Ct.App. 2009) (both quoting *Burton*).

Our appellate courts have repeatedly stated that a lay person is not held to any lesser standard than an attorney. *See McCall v. A-T-O, Inc.*, 276 S.C. 143, 146, 276 S.E.2d 529, 530 (1981); *Palmetto Constr. Group, LLC v. Restoration Specialists, LLC*, 444 S.C. 328, 340, 907 S.E.2d 129, 135 (Ct.App. 2024); *Cohen v. Cohen*, 438 S.C. 9, 19, 881 S.E.2d 650, 655 (Ct.App. 2022); *Hill v. Dotts*, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct.App. 2001); *Goodson v. American Bankers Ins. Co.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct.App. 1988). Lack of familiarity with legal proceedings is unacceptable and does not excuse a party's failure to comply with procedural requirements. *See McCall*, 276 S.C. at 146, 276 S.E.2d at 530; *Palmetto Constr.*, 444 S.C. at 340-41, 907 S.E.2d at 135-36; *Goodson*, 295 S.C. at 403, 368 S.E.2d at 689; *Hill*, 345 S.C. at 309-10, 547 S.E.2d at 897-98.

In this case, Appellants did not comply with the Rules. They also did not timely seek an extension of time so that they might comply with the Rules. They now misrepresent the requirements of the Rules to falsely claim their deadline was May 12, when in fact it was April 30, and they seek to excuse their failure to meet that deadline by falsely claiming their ability to meet that deadline was prevented by the May 4 incarceration of Mr. Price. They claim they "have acted in good faith." This claim is false – they have instead lied about their deadline and about the interplay between their deadline and the date of Appellant Price's incarceration. They have ***not*** acted in good faith, and they have ***not*** demonstrated good cause for their failure to meet the April 30 deadline, for

their failure to timely seek an extension of the April 30 deadline, and for their failure to serve the Record on Appeal and file a proper proof of service within the ten days allowed by the Court's letter of May 15, 2006. Their non-compliance should not be excused, where they have misrepresented the facts concerning their non-compliance.

Among the May 26 filings of the Appellants is a document titled "Proof of Service of Record on Appeal." That document contains a purported "Proof of Service" and two additional sections, a "Statement Regarding the Record on Appeal" and a "Note Regarding Co-Appellant's Incarceration." Respondent's June 4 filing moved to strike this document in its entirety. The purported "Proof of Service" reveals, on its face, that it is not in fact a proof of service, as contemplated by the Appellate Court Rules. It leaves blank the date of service of the Record on Appeal, with a notation that the date of service "will be entered" at a later time. In fact, no Record on Appeal has been served, and the document that purports to be a proof of service is not. Regardless of its title, a document cannot prove an event that has not occurred. The May 26 filings clearly establish that Appellants have not prepared or served the Record on Appeal. The document purporting to be a proof of service is a sham document, not a proper proof of service documenting the actual service of the Record on Appeal. Because it is a fallacious document, Respondent moved in her June 4 filing to have the Court strike the document.

As noted in Respondent's June 4 filing, Appellants attempt to justify their prior non-compliance with the Rules on two grounds: (1) their claim that Mr. Price's incarceration on May 4, after the April 30 deadline for serving the Record on Appeal had expired, caused their non-compliance, a claim that is simply not true, as demonstrated above and in Respondent's June 4 filing; and (2) a claim that the withdrawal of their prior

counsel prevented their obtaining complete copies of all filings of their prior counsel. As is fully explained in the June 4 filing, the earlier filings of their prior counsel are not among the items designated for inclusion in the Record on Appeal by either party and are not proper for inclusion in the Record on Appeal. As also detailed in the June 4 filing, all items to be included in the Record on Appeal under both parties' designations are transcripts already in the Appellants' possession or are documents available to them through the trial court records portal of the Judicial Branch website or through the clerk of the Saluda County Court of Common Pleas. Their claim that the withdrawal of their counsel somehow impeded their preparation of the Record on Appeal, like the claim about Mr. Price's incarceration, is a sham excuse, trumped up to justify their prior non-compliance with the Rules.

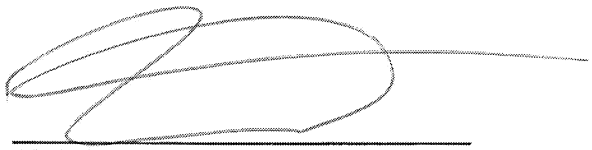
The basis for Respondent's motion to dismiss the appeal is Appellants' non-compliance with the South Carolina Appellate Court Rules. The Appellate Court Rules provide for dismissal of an appeal where the appellants have "failed to comply with the requirements of these Rules." *See* Rule 260(a), SCACR. In this case, Appellants failed to comply with the requirement of the Rules to serve the Record on Appeal within thirty days after service of the last brief. *See* Rule 210(a), SCACR. They did not file a timely motion seeking additional time in which to do so. Following their default, the Court of Appeals notified them the appeal would be dismissed if they did not file a proof of service, accompanied by a motion, within ten days. They did not do so. The document they filed purporting to be a proof of service is not a genuine proof of service, as contemplated by Rule 210(a), SCACR. They have not prepared and served the Record on Appeal. Their sham "proof of service" does not establish actual service of the Record on Appeal, because

no Record on Appeal has in fact been served. In addition, they have misrepresented to the Court the reason for their non-compliance, disingenuously claiming Appellant Price's incarceration on May 4 prevented their meeting an April 30 deadline that had already expired.

Respondent recognizes that Appellants are proceeding *pro se*. However, as shown by the authorities cited above, *supra* at 6-7, *pro se* litigants are held to the same standard as attorneys. Indeed, as revealed by the documents already filed by the *pro se* Appellants in this matter, of which this Court may take judicial notice, they are most capable of representing themselves and have demonstrated a working knowledge of the Appellate Court Rules. Their non-compliance with the Rules should not be excused, especially where the purported reason for that non-compliance is premised upon a lie. An attorney would not be allowed to excuse non-compliance in such a fashion, and the Court should not accept the sham excuse these *pro se* litigants have manufactured to justify their inaction. When the Court gave them ten days to cure their default, they failed to do so. Had they used that opportunity to prepare and serve the Record on Appeal and had they submitted a ***genuine*** proof of service, perhaps it would have been appropriate to excuse their non-compliance and grant their motion for permission to comply outside the deadline. However, they did not do so, instead fabricating an excuse that is spurious on its face. They have not demonstrated good cause for not dismissing this appeal due to their non-compliance with the Appellate Court Rules. *Cf.* Rule 260(a), SCACR (an appeal dismissed due to non-compliance "shall not be reinstated except by leave of the court, ***upon good cause shown*** . . .") (emphasis added).

Wherefore, Respondent respectfully moves for dismissal of the appeal due to the actions of the Appellants, their non-compliance with the Rules and the Court's directive of May 15, 2026, and the misrepresentations and false justifications contained in their May 26 filings. This motion is based on all the facts, arguments and authorities set forth above, and on the additional facts, arguments, authorities, and exhibits contained in Respondent's June 4 filing.

Respectfully submitted,



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PROOF OF SERVICE

I hereby certify that I have served the Respondent's Motion to Dismiss Appeal on the *pro se* Appellants on June 9, 2026, by United States mail, addressed as follows:

Ms. Sandra Holmwood
1721 Pinewood Drive
Columbia, SC 29205

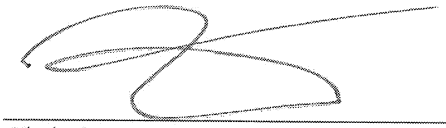
Mr. Hugh Price
187 Spruce Road
Ward, SC 29166

Mr. Hugh Parks Price
c/o Aiken County Detention Center
435 Wire Road
Aiken, SC 29801

Hugh Parks Price
2465 Pine Grove Road, Lot D
Ward, SC 29166

Hugh Parks Price
2465 Lot C Pine Grove Road
Ward, SC 29166

Respectfully submitted,



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