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**Jun 15 2026**

**SC Court of Appeals**

**IN THE SOUTH CAROLINA COURT OF APPEALS**

**Case No. 2025-001299**

Attia Elbadawy and Lynne Chatlos, Appellants

v.

D.R. Horton, Inc., Respondent

Dorchester County, Third-Party Respondent

**EMERGENCY MOTION TO STRIKE AND REMOVE  
RESPONDENT D.R. HORTON'S UNTIMELY INITIAL BRIEF  
FROM THE RECORD**

**ARGUMENT:**

Appellants, who timely sought that Respondent's motion be removed from the record, filed this motion on May 8, 2025, in response to the Court's order on May 8, 2025, granting Respondent's motion to remove its temporary summary judgment from the record. Respondent's initial brief was filed on June 9, 2025. The Court granted Appellants' motion to remove Respondent's initial brief on June 12, 2025. Respondent's initial brief was removed from the record.

## **PROCEDURAL HISTORY**

On April 17, 2026, Appellants filed a Motion requesting that the appellate record be completed to include proceedings and filings occurring between September 5, 2024 and June 23, 2025, and further requesting correction of the caption to include Dorchester County. To the best of Appellants' knowledge, that Motion has never been ruled upon. On May 8, 2026, Respondent D.R. Horton filed a Motion for Extension of Time seeking additional time to file its Initial Brief. To the best of Appellants' knowledge, the Court never entered an Order granting or denying that Motion. The original deadline for Respondent's Initial Brief expired on May 21, 2026. On May 13, 2026, Respondent filed a Motion to Vacate the Temporary Injunction. On June 9, 2026, the Court entered an Order granting Respondent's Motion to Vacate. On June 12, 2026, Respondent served its Initial Brief after the original briefing deadline had expired. **TIMELINE OF EVENTS**

April 17, 2026 – Appellants file Motion to Complete Record and Correct Caption.  
May 8, 2026 – Respondent files Motion for Extension of Time. May 13, 2026 – Respondent files Motion to Vacate Temporary Injunction. May 21, 2026 – Original deadline for Respondent's Initial Brief expires. June 9, 2026 – Court grants Motion to Vacate Temporary Injunction. June 12, 2026 – Respondent serves Initial Brief.

## **ARGUMENT**

Appellants respectfully submit that two earlier motions remained unresolved: Appellants' April 17 Motion and Respondent's May 8 Motion for Extension of Time. Despite those unresolved motions, the Court ruled on the later-filed Motion to Vacate Temporary Injunction. Respondent thereafter served its Initial Brief on June 12, 2026. The brief was served after expiration of the May 21 deadline and after entry of the June 9 Order. Appellants respectfully request clarification regarding

whether any extension of time was granted. If no extension was granted, the Initial Brief was untimely. Appellants are not requesting special treatment. Appellants seek equal application of procedural rules and clarification of the status of the pending motions. **EMERGENCY RELIEF REQUESTED**

Appellants respectfully request that the Court: A. Strike and remove Respondent D.R. Horton's Initial Brief from the appellate record; B. Prohibit consideration of the untimely brief; C. Clarify the status of Respondent's May 8, 2026 Motion for Extension of Time; D. Clarify the status of Appellants' April 17, 2026 Motion; E. Correct the caption to include Dorchester County; F. Stay further briefing until the pending procedural issues are resolved; and G. Grant such other and further relief as the Court deems just and proper.

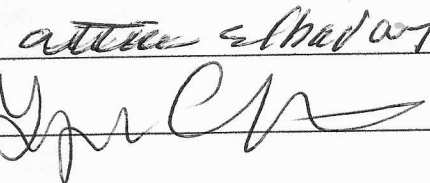
Respectfully submitted,

Appellants,

Attia Elbadawy

And

Lynne Chatlos

The block contains two handwritten signatures. The first signature, for Attia Elbadawy, is written in cursive and is positioned above a horizontal line. The second signature, for Lynne Chatlos, is also in cursive and is positioned below the first signature, also above a horizontal line.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Emergency Motion to Strike and Remove Respondent D.R. Horton's Untimely Initial Brief From the Record was served upon all parties of record on this 15th day of June 2026, by U.S. Mail on the following Respondents:

Respondent:  
D R Horton, Inc  
Kenison, Dudley & Crawford  
Mark Bible.  
325 W McBee Avenue, Suite# 301  
Greenville, SC 29601

AND

Respondent:  
Dorchester County  
Dorchester County Attorneys Office  
Bradley Mitchell  
201 Johnston Street  
St. George, SC 29477

Appellants,  
Attia Elbadawy *Attia Elbadawy*  
And  
Lynne Chatlos *Lynne Chatlos*  
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