

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Court of Common Pleas, County of Greenville, Thirteenth Judicial Circuit

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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Christopher Jones, Jane Freeman,
Shaynia Mayes,
Plaintiffs-Appellants,

C.A. No.: 2025-CP-23-00640

**NOTICE OF INTERLOCUTORY APPEAL
TO THE SOUTH CAROLINA COURT
OF APPEALS**

v.

Perelli Auto Sales, Cesar Perelli,
Defendants-Respondents.

CHRISTOPHER JONES, Is APPELLANT

NOTICE OF INTERLOCUTORY APPEAL

I. PARTIES

1. Plaintiffs-Appellants Christopher Jones, Jane Freeman, and Shaynia Mayes (collectively, "Plaintiffs" or "Appellants"), appearing pro se, hereby give notice pursuant to Rule 203, SCACR, and S.C. Code Ann. § 14-3-330, that they appeal to the South Carolina Court of Appeals from the interlocutory orders of the Court of Common Pleas for Greenville County, Thirteenth Judicial Circuit, described herein.

2. Defendants-Respondents are Perelli Auto Sales and Cesar Perelli (collectively, "Defendants" or "Respondents"), represented by Larry Lee Plumblee, Esq.

II. TRIAL COURT AND CASE INFORMATION

Trial Court:	Court of Common Pleas, County of Greenville, Thirteenth Judicial Circuit
Case Number:	2025-CP-23-00640
Case Caption:	Christopher Jones, Jane Freeman, Shaynia Mayes v. Perelli Auto Sales, Cesar Perelli
Plaintiffs-Appellants:	Christopher Jones, Jane Freeman, Shaynia Mayes (pro se)
Defendants-Respondents:	Perelli Auto Sales, Cesar Perelli
Defense Counsel:	Larry Lee Plumblee, Esq.
Orders Appealed:	Two (2) interlocutory orders — see Section III below

III. INTERLOCUTORY ORDERS APPEALED

Appellants appeal from the following two interlocutory orders entered by the Court of Common Pleas. Order No. 1 directly affects a substantial right and is independently immediately appealable pursuant to S.C. Code Ann. § 14-3-330(2)(a). Order No. 2 is appealed as pendent to Order No. 1, as both orders arise from the same underlying dispute, are intertwined in their purpose and effect, and must be reviewed together for the appellate court to grant complete relief:

ORDER NO. 1 — ORDER GRANTING DEFENDANTS' MOTION TO AMEND ANSWER AND ADD COUNTERCLAIM

Court	Court of Common Pleas, Greenville County, Thirteenth Judicial Circuit
Presiding Judge	The Honorable Vernon F. Dunbar, Circuit Court Judge

Order Date	May 26, 2026 (electronically signed); filed May 27, 2026
Description	Granting Defendants' motion pursuant to Rule 15(a), SCRCP, to amend Defendants' Answer and assert a counterclaim for claim and delivery, seeking immediate possession of two vehicles currently in the possession of Plaintiffs. The order authorizes Defendants to pursue a claim-and-delivery action that could result in deprivation of Plaintiffs' property before a trial on the merits of Plaintiffs' underlying claims of fraudulent financing, misrepresentation, and improper repossession.

ORDER NO. 2 — ORDER GRANTING DEFENDANTS' MOTION TO COMPEL DISCOVERY

Court	Court of Common Pleas, Greenville County, Thirteenth Judicial Circuit
Presiding Judge	The Honorable G.D. Morgan Jr., Circuit Court Judge
Order Date	June 2, 2026 (electronically signed); filed June 3, 2026
Description	Granting Defendants' Motion to Compel and requiring Plaintiffs to provide complete discovery responses to Defendants' counsel within 15 days of the order. The Order does not specify an anchor date for the 15-day period. Calculated from the date of signing (June 2, 2026), the deadline is June 17, 2026; calculated from the date of filing/service (June 3, 2026), the deadline is June 18, 2026. Appellants treat June 17, 2026 as the conservative compliance deadline. The Order states that Plaintiffs did not appear at the hearing, although Plaintiffs were properly noticed by the Clerk of Court. Appellants contend the order was entered without adequate notice and an opportunity to be heard in violation of due process.

IV. GROUNDS FOR INTERLOCUTORY APPEAL

Order No. 1 is independently and immediately appealable as an interlocutory order affecting a substantial right under S.C. Code Ann. § 14-3-330(2)(a). Order No. 2 is reviewable in this Court as pendent to Order No. 1: it was issued in the same action, arises from the same underlying dispute over the vehicles and financing arrangements, and is directly connected to Defendants' claim-and-delivery counterclaim — the subject of the primary appeal. The two orders cannot be severed without leaving the appellate record incomplete. Appellants assert the following grounds:

A. Order No. 1 — Motion to Amend / Claim and Delivery Counterclaim:

3. The Order granting amendment to add a claim-and-delivery counterclaim directly affects a substantial right — namely, Appellants' continued possession of two motor vehicles that are (a) subject to Plaintiffs' pending claims of fraudulent financing and improper repossession; (b) necessary for Plaintiffs' daily transportation, livelihood, and ability to prosecute this action; and (c) potentially subject to seizure through emergency claim-and-delivery proceedings before any adjudication of the merits.
4. The grant of leave to add the claim-and-delivery counterclaim creates an immediate and concrete risk of irreparable harm: Defendants may obtain a pre-trial writ of seizure of the remaining vehicles under S.C. Code Ann. § 15-69-10 et seq., depriving Appellants of property before the trial court has determined the merits of Appellants' underlying claims that Defendants' financing arrangements were fraudulent and their prior repossession improper.
5. Appellants were prejudiced by the grant of this motion. The amendment was consented to under circumstances where Appellants were not adequately apprised of the full legal consequence — specifically, that consent to amendment of the Answer would also operate as consent to the assertion of a claim-and-delivery counterclaim giving Defendants immediate access to prejudgment seizure remedies. This consent, obtained without full disclosure of its legal effect, does not bar this appeal.
6. The trial court abused its discretion in granting leave to amend without adequately considering the prejudice to Appellants — specifically, that the proposed counterclaim is Defendants' mechanism to obtain relief on the merits (possession of vehicles) before trial,

while Appellants' substantially meritorious claims of fraud, misrepresentation, and improper repossession remain unresolved.

B. Order No. 2 — Motion to Compel Discovery:

7. Order No. 2 is reviewable in this Court as pendent to the primary appeal of Order No. 1. South Carolina courts recognize pendent appellate jurisdiction over interlocutory orders that are inextricably intertwined with an independently appealable order, such that resolution of the primary appeal necessarily entails review of the pendent order. Order No. 2 compels discovery sought by Defendants specifically in furtherance of their claim-and-delivery counterclaim — the very counterclaim whose authorization in Order No. 1 is the subject of the primary appeal. Reviewing Order No. 1 in isolation, without the ability to also address the discovery order that feeds and enables it, would leave the appellate record fractured and the relief incomplete.
8. Independently, Order No. 2 was entered in violation of Appellants' due process rights. The Order was issued after a hearing at which Appellants did not appear. While the Order recites that Plaintiffs were properly noticed by the Clerk of Court, Appellants contend that notice was inadequate or was not received in a manner that afforded a meaningful opportunity to be heard before the order imposing discovery obligations was entered. An order entered without constitutionally adequate notice and opportunity to be heard affects a substantial right. To the extent the Court of Appeals determines that Order No. 2 is independently appealable on this ground pursuant to § 14-3-330(2)(a), Appellants preserve that basis here; to the extent the Court treats Order No. 2 as pendent only, Appellants rely upon the pendent jurisdiction argument in paragraph 7.

9. The practical effect of Order No. 2 is to accelerate Defendants' preparation of their claim-and-delivery counterclaim while Appellants' interlocutory appeal of that very counterclaim is pending. Compelling discovery in aid of a counterclaim that is itself under appellate review creates immediate, concrete prejudice: Appellants are compelled to disclose information and expend resources in defense of a counterclaim that may be reversed or vacated by this Court. A stay of Order No. 2 pending resolution of the Order No. 1 appeal is therefore essential to prevent the interlocutory appeal from being rendered moot by the very proceedings it challenges.

V. STATUTORY AND RULE BASIS FOR APPEAL

10. This appeal is taken pursuant to the following authorities:

- (a) S.C. Code Ann. § 14-3-330(2)(a) — authorizing interlocutory appeals from orders affecting a substantial right made in actions at law that affect the merits of the action and determine some matter upon which the final decision will likely depend (basis for Order No. 1 — claim-and-delivery counterclaim directly affects Appellants' substantial property right in continued vehicle possession); and pendent appellate jurisdiction over Order No. 2 as inextricably intertwined with the primary appeal of Order No. 1;
- (b) Rule 203(b)(1), SCACR — governing the filing of a Notice of Appeal within thirty (30) days of the order appealed from;
- (c) Rule 204, SCACR — governing the content requirements of a Notice of Appeal;
- (d) Rule 227, SCACR — governing service of the Notice of Appeal upon all parties and the clerk of the lower court;

(e) The Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 3 of the South Carolina Constitution — requiring adequate notice and an opportunity to be heard before entry of orders imposing obligations upon parties.

VI. TIMELINESS OF THIS NOTICE

11. Order No. 1 (Motion to Amend) was electronically signed on May 26, 2026 and filed May 27, 2026. Thirty days from the date of filing is June 26, 2026. This Notice of Appeal is timely as to Order No. 1.
12. Order No. 2 (Motion to Compel) was electronically signed on June 2, 2026 and filed June 3, 2026. Thirty days from the date of filing is July 3, 2026. This Notice of Appeal is timely as to Order No. 2. Note: Appellants are traditional filers served by mail pursuant to Rule 77(d), SCRCF, as reflected in the Notice of Electronic Filing. The 30-day appeal clock under Rule 203(b)(1), SCACR runs from the date written notice of entry of the order is served. Appellants treat the date of mailing by the clerk (June 3, 2026) as the trigger date, which produces the July 3, 2026 deadline stated above. If the clerk mailed notice on a date other than June 3, Appellants reserve the right to rely on that later date.
13. This Notice of Appeal encompasses both orders pursuant to the single-notice procedure for multiple interlocutory orders arising in the same action. See Rule 203, SCACR.

VII. REQUEST FOR STAY OF PROCEEDINGS PENDING APPEAL

14. Appellants respectfully request that the trial court, or in the alternative this Court, enter a stay of: (a) Defendants' right to pursue the claim-and-delivery counterclaim authorized by Order No. 1 pending resolution of this appeal; and (b) the discovery compliance obligations imposed by Order No. 2, including all deadlines thereunder, pending resolution of this appeal. Because Order No. 2 is brought as pendent to Order No. 1, a stay of the primary appeal's subject matter necessarily requires a stay of the discovery order that serves it. Compelling discovery in aid of a counterclaim under appellate review would render this appeal moot.
15. A stay is warranted because: (i) Appellants will suffer irreparable harm in the absence of a stay — namely, the pre-trial seizure of their vehicles and the loss of property before any merits adjudication; (ii) Appellants are likely to succeed on the merits of this appeal given the due process deficiency in the notice provided before Order No. 2 and the prejudice imposed by Order No. 1; (iii) the balance of equities favors a stay, as Defendants will not be meaningfully harmed by a brief delay in discovery or the claim-and-delivery counterclaim while this appeal is pending; and (iv) a stay serves the public interest in ensuring that court orders are not entered against parties without adequate notice and an opportunity to be heard.
16. Appellants will file a formal Motion to Stay with supporting memorandum separately in the trial court pursuant to Rule 241, SCACR, concurrently with this Notice.

VIII. DESIGNATION OF MATTERS ON APPEAL

Appellants designate the following matters for inclusion in the record on appeal:

- (a) All pleadings filed in C.A. No. 2025-CP-23-00640, including the Complaint, Defendants' original Answer, and Defendants' Amended Answer and Counterclaim;
- (b) All motions, supporting memoranda, and exhibits filed in connection with Defendants' Motion to Amend Answer;
- (c) All motions, supporting memoranda, and exhibits filed in connection with Defendants' Motion to Compel Discovery;
- (d) The Order Granting Motion to Amend, dated May 26, 2026, signed by the Honorable Vernon F. Dunbar;
- (e) The Order Granting Motion to Compel, dated June 2, 2026, signed by the Honorable G.D. Morgan Jr.;
- (f) All notices of hearing, docket entries, and court notifications issued to the parties in connection with the hearings that produced the orders appealed from;
- (g) The transcript of the hearing on Defendants' Motion to Amend (if any), and the transcript or recording of the hearing on Defendants' Motion to Compel (if any); and
- (h) All other orders entered in this matter.

IX. CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2026, a true and correct copy of this Notice of Interlocutory Appeal was served upon the following by first-class United States mail, postage prepaid, and/or by electronic filing through the South Carolina electronic court filing system:

Defendants' Counsel: Larry Lee Plumblee, Esq. Counsel for Perelli Auto Sales and Cesar Perelli 1225 S. Church Street Greenville, SC 29605	Clerk of Court: Clerk of Court of Common Pleas Greenville County — Thirteenth Judicial Circuit 301 University Ridge, Suite N-2100 Greenville, South Carolina 29601
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X. SIGNATURES OF APPELLANTS

Respectfully submitted this 16th day of June, 2026.

s/ Christopher Jones
Christopher Jones
Plaintiff-Appellant, Pro Se
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Greenville, South Carolina 29601
Tel: 864-432-0606

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SC Court of Appeals

s/ Jane Freeman
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