IN THE SOUTH CAROLINA COURT OF APPEALS

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SC Court of Appeals

Appellate Case No. 2026-000774

Brandi Barnett and Kevin Rubink, Plaintiffs,

v.

Luke Shealey, Brian Shealey, and Shealey Law Firm, LLC, Defendants,

of which Brandi Barnett is the Appellant and Luke Shealey is the Respondent.

Appeal from the Court of Common Pleas
Fifth Judicial Circuit, Richland County

Case Under Appeal: 2025-CP-40-06986

The Honorable Daniel Coble, Circuit Court Judge

Appeal from Order Entered February 25, 2026

APPELLANT BRANDI BARNETT'S INITIAL BRIEF

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June 2026

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STATEMENT OF ISSUES ON APPEAL

Issue 1. Whether the circuit court erred by dismissing all claims under Rule 12(b)(6), SCRCP, without separately analyzing documentary, non-negligence theories, including refund, contract/refund-promise, unjust enrichment, equitable relief, confidentiality, redaction, public-record correction, and enforcement, that did not necessarily require expert testimony. *Standard of review: de novo.*

Issue 2. Whether Respondent Luke Shealey's written refund offers, Fee Disputes Board refund context, the Rule 1.5(f) issue, alleged nonpayment of the Board-related refund determination, and Appellant's preserved objections to extra-record and confidentiality allegations supplied an objectively reasonable basis for filing and defeated any finding of frivolousness or improper purpose. *Standard of review: abuse of discretion for sanctions; legal errors reviewed de novo.*

Issue 3. Whether the February 4, 2026 hearing transcript, the February 6 Form 4, the February 25 written order, and Appellant's Rule 60 clarification filing show that dismissal, sanctions, and filing restrictions were imposed without separate, individualized findings as to Appellant's own conduct and without identification of the specific conduct required to support sanctions. *Standard of review: abuse of discretion; embedded legal error reviewed de novo.*

Issue 4. Whether former-client confidentiality, redaction, and public-record correction were independent merits issues requiring legal analysis on their own terms and could not properly be converted into a basis for sanctions or a finding of frivolousness. *Standard of review: de novo as to legal issues; abuse of discretion as to sanctions.*

Issue 5. Whether the dismissal with prejudice, sanction consequences, and filing restrictions should be reversed, vacated, narrowed, or remanded for claim-by-claim analysis and party-specific findings. *Standard of review: de novo as to legal error; abuse of discretion as to remedy.*

STATEMENT OF THE CASE AND PRESERVATION

This appeal concerns the dismissal, sanction consequences, and filing-restriction language entered in Richland County Case No. 2025-CP-40-06986. Appellant filed the 06986 civil action; Respondents moved to dismiss; the circuit court heard the matter on February 4, 2026 (Tr. p. 4, ll. 1-25); the court entered a Form 4 on February 6, 2026; the court entered a written order on February 25, 2026; and Appellant thereafter filed a Rule 60 motion in 06986 seeking clarification or relief from the sanction and filing-restriction language as applied to her individually.

The related fee-dispute matter, 2025-CP-40-04675, was heard in the same proceeding on February 4, 2026, immediately before 06986 was called (Tr. p. 4, l. 1 through p. 9, l. 25; p. 10, ll. 1-3). Appellant relies on that portion of the transcript only for four narrow contextual points: the refund dispute, Board context, Rule 1.5(f) issue, and hearing-sequence continuity. Appellant does not rely on 04675 to import any litigation history or party-specific issues belonging to another person.

The designated materials include the February 6 Form 4; the February 25 written order; the limited 04675 fee-dispute ruling and Board context; Appellant's 06986 Rule 60 filing; Appellant's file-stamped Motion to Strike objecting to extra-record and confidentiality allegations (Tr. p. 8, ll. 13-19); the 06986 complaint; Respondents' dismissal papers; relevant transcript excerpts; Bar/Board public-record replacement material; one narrow Board decision letter for same-attorney/same-Board refund context; Respondent Luke Shealey's refund emails; and filing and service pages needed to confirm record status.

Preservation appears in the complaint, Motion to Strike, hearing transcript, Rule 60 clarification filing, dismissal briefing, and challenged orders. Through those materials, Appellant preserved the dismissal, sanctions, filing-restriction, confidentiality/redaction, refund/nonpayment, Rule 1.5(f), and individualized-finding issues. Appellant has received the certified February 4, 2026 hearing transcript (certified by Jeanne Meldrim, Legal Eagle, April 28, 2026) and has served it on all required parties by email. Appellant will conform all record citations to the settled Record on Appeal.

STATEMENT OF FACTS

Appellant retained Respondent Luke A. Shealey, Esq. and paid an $8,000 flat fee in connection with that representation. Following termination of the representation, Appellant alleged that a refund dispute arose regarding unearned fees and the return of a portion of the retainer. Appellant explained at the February 4, 2026 hearing that the Board found required disclosures were missing from the contract and that Rule 1.5 was violated by Mr. Shealey (Tr. p. 5, ll. 7-9).

The flat-fee nature of the dispute matters. Appellant contends the Board obtained or considered time records from Respondent that were not provided to her and then used those time records to calculate a reduced refund from a flat-fee agreement despite the Rule 1.5(f) disclosure issue. That sequence supplied an objective basis for Appellant to challenge the refund calculation, the use of undisclosed time material, and the refusal to return additional funds. Appellant does not ask this Court to discipline Respondent; she relies on the Rule 1.5(f) issue to show that her refund, contract, equitable, and public-record filings were objectively nonfrivolous.

Respondent made written refund offers. Appellant stated on the record that Mr. Shealey 'only offered to refund half of the fee, which led me to file a fee dispute' (Tr. p. 5, ll. 10-12), and separately that 'He said he would have gave me half of it. He stopped speaking, so I just went to the board for help' (Tr. p. 16, ll. 24-25; p. 17, l. 1). Those on-the-record statements are corroborated by the May 20, 2024 written refund email in which Respondent offered to return $4,000 of the original $8,000 retainer. Appellant further alleges that Respondent has not paid the Board-related refund determination, not even in part.

Appellant relied on the Fee Disputes Board context, Rule 1.5(f) materials, alleged nonpayment, and Respondent's written refund communications as independent reasons to seek court review, clarification, correction, and enforcement. Those assertions did not depend on proving professional negligence; Appellant's position is that this was not a legal-malpractice claim, but a refund, contract, equitable, confidentiality, redaction, and enforcement dispute supported by ordinary documents.

Appellant also raised confidentiality and redaction issues directly. She contended Respondent was fired for conduct involving former-client confidentiality, and she later had to seek redaction and strike inaccurate or prejudicial collateral material placed into public filings. At the February 4 hearing, Appellant stated that unredacted documents submitted by the Board remained online and contained banking, personal, and social security information, and she requested redaction (Tr. p. 17, ll. 10-15).

The circuit court's February 25, 2026 written order dismissed the 06986 complaint with prejudice, imposed sanction consequences on Appellant, and included filing-restriction language. Appellant challenged that language through a Rule 60 motion directed to 06986 on the ground that no individualized findings as to Appellant's own conduct supported it. The challenged sequence matters because the written order followed the February 6 Form 4 and included severe consequences without individualized oral findings separating Appellant from any Kevin-only gatekeeper issue.

Kevin Rubink is referenced only because Respondents' counsel stated on the record that the first dismissal ground - the gatekeeper order - applied only to Mr. Rubink: 'First only applies to Mr. Rubink, but that this case violates the --- this court's gatekeeper order' (Tr. p. 11, ll. 1-2). Once that concession was made, any dismissal, sanction, or filing restriction against Appellant required separate findings based solely on Appellant's own pleadings and conduct. The limited Kevin Board-decision material is used only to show same-attorney/same-Board refund context, not to import Mr. Rubink's litigation history.

STANDARD OF REVIEW

A Rule 12(b)(6), SCRCP dismissal is reviewed de novo under the same standard applied by the circuit court. The appellate court must construe the complaint liberally, accept the factual allegations as true, and affirm dismissal only if the plaintiff would not be entitled to relief under any theory reasonably supported by the pleaded facts. *Spence v. Spence*, 368 S.C. 106, 113, 628 S.E.2d 869, 872 (2006).

Sanctions are reviewed for abuse of discretion. Legal errors embedded in a sanction ruling, including use of the wrong legal standard, failure to identify the specific conduct supporting sanctions, or failure to make findings tied to the sanctioned party, are reviewed without deference. *Plyler v. Burns*, 373 S.C. 637, 647, 647 S.E.2d 188, 193 (2007).

Filing restrictions are reviewed for abuse of discretion. To the extent a filing restriction embodies a legal error, such as failure to make individualized, party-specific findings before imposing the restriction, that embedded legal error is reviewed de novo without deference. A court's authority to control abusive filings does not eliminate fair process, party-specific findings, and narrow tailoring.

To the extent the circuit court dismissed equitable and other non-negligence theories at the pleading stage as legally insufficient, review is likewise de novo because the ruling turned on legal sufficiency rather than factfinding.

SUMMARY OF ARGUMENT

The challenged rulings should be reversed, vacated, narrowed, or remanded for five distinct reasons.

First, the designated record **-** including the certified February 4, 2026 transcript **-** shows a real refund dispute, a real confidentiality and public-record dispute, and a real preservation record, not a fabricated or abusive filing. Second, Respondent Luke Shealey's written refund offers, Appellant's on-the-record hearing statements (Tr. p. 5, ll. 10-12; p. 16, ll. 24-25), the Board context, the Rule 1.5(f) issue, alleged nonpayment of the Board-related refund determination, and Appellant's file-stamped Motion to Strike (Tr. p. 8, ll. 13-19) supplied an objectively reasonable basis to seek court review, correction, clarification, and enforcement.

Third, the circuit court improperly treated Appellant's non-malpractice claims as if they were a legal-malpractice action requiring expert proof, instead of separately analyzing the independent refund, contract/refund-promise, unjust-enrichment, equitable, confidentiality, redaction, public-record correction, and enforcement theories. The court was required to analyze the claims and parties separately. Fourth, the court imposed dismissal, sanctions, and filing restrictions on Appellant without separating her from Kevin Rubink after Respondents' counsel expressly conceded on the record that the first gatekeeper-history ground applied only to Mr. Rubink (Tr. p. 11, ll. 1-2). Fifth, confidentiality, redaction, and public-record correction were independent merits issues requiring legal analysis on their own terms. They could not properly be converted into sanctionable conduct merely because the court might disagree with the requested remedy.

ARGUMENT

I. The properly scoped record affirmatively demonstrates Appellant's individual, objectively reasonable basis to file.

The designated record is tailored to the issues actually presented in this appeal and affirmatively demonstrates why Appellant had a reasonable basis to file the 06986 action. The February 4, 2026 transcript confirms that the fee-dispute matter (04675) and the civil action (06986) were heard in the same sequential proceeding: the 04675 hearing concluded at Tr. p. 9, l. 25, and 06986 was called immediately thereafter at Tr. p. 10, ll. 1-3. Appellant relies on the 04675 portion of the transcript only for four narrow contextual points: the refund dispute (Tr. p. 5, ll. 7-12), Board history (Tr. p. 6, ll. 14-16), Rule 1.5(f) issue (Tr. p. 5, ll. 7-9), and the hearing-sequence continuity showing both matters arose from the same fee dispute.

That limited use is proper because it explains why Appellant had an objectively reasonable basis to file the 06986 action and why any sanction or filing restriction imposed in 06986 still had to rest on findings specific to her. It does not invite this Court to attribute another person's litigation history or separate disputes to Appellant.

II. Documentary refund and fee-dispute evidence defeats any frivolousness finding.

Under S.C. Code Ann. Section 15-36-10, a claim or defense is frivolous only when it is not warranted by existing law or a nonfrivolous argument for change and is interposed for an improper purpose. A filing is not frivolous merely because the circuit court disagrees with the requested remedy. *Stiles v. Onorato*, 318 S.C. 297, 300, 457 S.E.2d 601, 602 (1995).

Appellant relied on objective, documentary materials: written refund offers; Fee Disputes Board context; Rule 1.5(f) materials; the flat-fee nature of the agreement; an alleged time-record issue involving time material not shared with Appellant; alleged nonpayment of the Board-related refund determination; and a file-stamped Motion to Strike challenging extra-record and confidentiality allegations (Tr. p. 8, ll. 13-19). Appellant also stated on the record that Mr. Shealey offered to refund half of the fee (Tr. p. 5, ll. 10-12; p. 16, ll. 24-25), and those statements are corroborated by the written email offering $4,000 of the $8,000 retainer.

Those materials provide objective written evidence of a genuine refund dispute and strongly undermine any conclusion that the action was fabricated, baseless, or filed for an improper purpose. A litigant who presents this documentary refund history, a Rule 1.5(f) issue, alleged nonpayment, and preserved objections to public use of former-client information does not fit the Section 15-36-10 frivolousness standard on the face of this record. The circuit court therefore could not properly collapse the existence of disputed merits into a finding of frivolousness without findings grounded in Appellant's actual filings and conduct.

III. The court was required to analyze each non-negligence theory separately under Rule 12(b)(6).

The 06986 complaint did not plead this case as a legal-malpractice action. It asserted independent, non-malpractice theories tied to ordinary documents: refund, contract/refund-promise, unjust enrichment, equitable relief, confidentiality, redaction, public-record correction, and enforcement. Under Rule 12(b)(6), SCRCP, the dispositive question is whether the pleaded facts support relief under any viable theory. *Spence* requires liberal construction at the pleading stage.

S.C. Code Ann. Section 15-36-100 does not transform every dispute involving a lawyer into a legal-malpractice action or extinguish independent non-malpractice claims that can be evaluated without expert proof of a professional standard of care. *Holmes v. East Cooper Cmty. Hosp., Inc.*, 408 S.C. 138, 147-48, 758 S.E.2d 483, 488 (2014).

Each non-negligence theory stands independently at the pleading stage without expert proof. Refund or breach of refund promise can be evaluated under ordinary contract principles; unjust enrichment turns on retention of money under circumstances making retention unjust; enforcement or clarification of a refund-related determination is a legal or equitable issue; confidentiality and redaction issues turn on Rules 1.6 and 1.9(c), Rule 407, SCACR; and public-record correction is a procedural and equitable matter for the court. Critically, the court was required to analyze the claims and the Respondents separately before concluding that any or all theories failed.

The flat-fee and time-record issue illustrates why separate analysis was required. Appellant alleged that the Board acknowledged a Rule 1.5(f) issue but nevertheless relied on time material from Respondent to calculate a reduced refund on a flat-fee agreement. Even if the circuit court ultimately disagreed with Appellant's requested refund amount, that documentary dispute supported non-malpractice refund, contract, unjust-enrichment, and equitable theories independent of any professional-negligence claim. The failure to analyze those theories independently was reversible error under *Spence* and *Holmes*.

IV. Sanctions and filing restrictions required individualized findings, identification of specific conduct, and narrow tailoring.

The Rubink concession is dispositive on the individualized-findings issue. Respondents' counsel stated expressly on the record: 'First only applies to Mr. Rubink, but that this case violates the --- this court's gatekeeper order' (Tr. p. 11, ll. 1-2). Once that concession was made, the circuit court could not properly attribute the gatekeeper ground to Appellant by implication or group treatment.

Sanctions under S.C. Code Ann. Section 15-36-10 and Rule 11, SCRCP require findings tied to the conduct of the person sanctioned, not group attribution to co-litigants whose circumstances were expressly distinguished on the record. Rule 11 also requires identification of the specific filing or conduct found to violate the rule; a generalized attribution based on another litigant's history satisfies neither the rule nor basic due process. *Plyler v. Burns*, 373 S.C. 637, 647, 647 S.E.2d 188, 193 (2007). The February 25 order does not reflect individualized findings as to Appellant, and the record does not show prior South Carolina abusive pro se litigation by Appellant that would support a broad filing restriction.

Broad filing restrictions burden access to the courts. Although not binding on this Court, *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812, 819-21 (4th Cir. 2004), is persuasive in identifying basic safeguards before such restrictions may issue: notice and opportunity to be heard, findings of abusive or vexatious conduct by the affected litigant, consideration of less restrictive alternatives, and narrow tailoring.

Without findings identifying Appellant's own specific conduct as abusive, explaining why lesser remedies were inadequate, and narrowly defining the scope of any restriction to match the conduct found, the sanction and filing-restriction language cannot stand in its present form. The written-order sequence after the February 6 Form 4 further warrants review because the severe sanction and filing-restriction consequences appeared without individualized oral findings separating Appellant from the Kevin-only gatekeeper issue.

V. Confidentiality, redaction, and public-record correction were independent merits issues.

Appellant's confidentiality and redaction theories were substantive merits issues raised at every stage of the proceedings, including directly from the podium at the February 4, 2026 hearing. Appellant stated that 'there's a lot of unredacted documents that's still online that the board submitted to you guys involving my banking, my personal information, my social' and requested redaction because the information was harmful (Tr. p. 17, ll. 10-15). Appellant further alleged that Respondent introduced billing records and client-specific materials into public court filings containing information subject to Rules 1.6 and 1.9(c), Rule 407, SCACR, without consent and beyond what was lawfully necessary.

Whether Respondent's public filings remained within proper bounds is a justiciable question requiring legal analysis, not dismissal as frivolous. The confidentiality issue is not transformed into a legal-malpractice claim requiring expert testimony merely because it arises in the attorney-client context. Rules 1.6 and 1.9(c) are professional-conduct standards; their application to a specific factual record, and the availability of redaction, sealing, or corrective relief, are legal questions the court may address without expert proof of a general professional standard of care.

The Bar/Board public-record replacement material designated for the Record further confirms that there was a real public-record concern rooted in actual documents. At minimum, the circuit court was required to analyze the confidentiality and redaction theories before dismissing them or treating them as evidence of frivolousness. A former client should not be sanctioned or restricted from court access for seeking to correct public filings that allegedly contain sensitive personal, financial, or client-related information.

RELIEF REQUESTED

Appellant respectfully requests that this Court:

1. Reverse the Rule 12(b)(6) dismissal with prejudice insofar as it dismissed documentary, non-negligence theories, including refund, contract/refund-promise, unjust enrichment, equitable relief, confidentiality, redaction, public-record correction, and enforcement claims, without separate, theory-by-theory and party-by-party analysis, and remand for claim-by-claim analysis under the proper de novo standard;

2. Vacate, narrow, or remand with instructions regarding the sanction consequences and filing-restriction language in the February 25, 2026 order to the extent they were entered without individualized findings against Appellant, without identification of the specific conduct supporting sanctions, and without separating her from the gatekeeper-history argument Respondents' counsel expressly limited to Mr. Rubink alone (Tr. p. 11, ll. 1-2);

3. Clarify that the February 25 order does not bar Appellant from prosecuting this appeal, seeking enforcement of the unpaid Board-related refund determination through lawful process consistent with Rule 416, SCACR, seeking redaction, correction, or protection of public-record materials through lawful process, or making any other lawful filing not constituting specific abusive conduct identified in individualized findings on remand; and

4. Grant such other and further relief as the Court deems just and proper.

CONCLUSION

The designated materials - including the certified February 4, 2026 hearing transcript - establish a genuine refund dispute, a genuine confidentiality and public-record dispute, and a preserved record of Appellant's objections at every stage. Respondent's own written offer to return $4,000 of the $8,000 flat fee, corroborated by Appellant's on-the-record statements (Tr. p. 5, ll. 10-12; p. 16, ll. 24-25), the Board-related materials, the Rule 1.5(f) context, alleged nonpayment, and the transcript concession expressly distinguishing Appellant from Mr. Rubink (Tr. p. 11, ll. 1-2), demonstrate that Appellant did not proceed without a reasonable basis.

The challenged rulings cannot stand to the extent they dismissed independent, non-negligence theories without separate analysis, treated legitimate merits claims as frivolous without the findings required by Section 15-36-10, or imposed sanction and filing-restriction consequences without individualized findings tied to Appellant's own conduct. The orders should be reversed, vacated, narrowed, or remanded accordingly.

Respectfully submitted,

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Brandi N. Barnett, Pro Se
Appellant
Date: June 18, 2026

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CERTIFICATE OF SERVICE

I certify that on June 18, 2026 I served a true and correct copy of this Initial Brief on counsel of record for Respondents by electronic mail and/or U.S. Mail.

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Brandi N. Barnett, Pro Se
Date: June 18, 2026

CERTIFICATE OF COMPLIANCE

I certify that this Initial Brief complies with the applicable formatting and length requirements of the South Carolina Appellate Court Rules. The brief is prepared in a readable serif font, on letter-size pages, and is within the page limitation applicable under Rule 208, SCACR.

____

Brandi N. Barnett, Pro Se
Date: June 18, 2026