

EMERGENCY MOTION FOR STAY OF EVICTION PENDING APPEAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Jacqueline Roberts, Appellant,

v.

Luigi Cerullo, Respondent.

Appellate Case No. 2026-000358

From the South Carolina Court of Appeals

RECEIVED

Jun 25 2026

S.C. SUPREME COURT

COMES NOW Appellant Jacqueline Roberts, proceeding pro se, and respectfully moves this Court for an Emergency Stay of the eviction of Appellant from the subject property pending resolution of the above-captioned appeal. On June 25, 2026, the eviction was executed and Appellant has been removed from the property. Appellant requests immediate relief to preserve the status quo and prevent further irreparable harm while this appeal is pending.

INTRODUCTION

This matter arises from a commercial ejectment action in which Appellant has been challenging the lawfulness of the eviction proceedings below. The South Carolina Court of Appeals denied Appellant's Petition for Rehearing on June 18, 2026. On June 25, 2026, the eviction was executed and Appellant was removed from the property at issue in this litigation. Absent emergency relief from this Court, Appellant will suffer immediate and irreparable harm that no subsequent order can fully remedy.

STANDARD FOR EMERGENCY STAY

A court considering a motion for stay pending appeal weighs four factors: (1) the likelihood that the moving party will prevail on the merits of the appeal; (2) whether the moving party will suffer irreparable harm if the stay is denied; (3) whether granting the stay will substantially harm other parties to the proceedings; and (4) the public interest. See *Travelscape, LLC v. South Carolina Dep't of Revenue*, 391 S.C. 89 (2010). Each factor weighs in Appellant's favor here.

ARGUMENT

I. APPELLANT IS LIKELY TO PREVAIL ON THE MERITS.

Appellant raises substantial legal questions regarding the proceedings below, including whether the Court of Appeals correctly applied the applicable legal standards governing this ejectment matter. The denial of the Petition for Rehearing does not foreclose Supreme Court review, and the legal issues presented are of sufficient merit to warrant this Court's consideration. Appellant's appeal is not frivolous and presents a genuine likelihood of success on the merits.

II. APPELLANT WILL SUFFER IRREPARABLE HARM ABSENT A STAY.

The eviction was executed on June 25, 2026, the date of this filing. Appellant has been physically removed from the property. The loss of one's home or property interest constitutes irreparable harm because monetary damages cannot fully compensate for the loss of possession, particularly where the appeal may ultimately vindicate Appellant's right to remain on the property. Every day that passes without a stay risks third-party transfer of the property or physical alterations that will make restoration of the status quo impossible.

III. THE BALANCE OF HARDSHIPS FAVORS APPELLANT.

The hardship to Appellant from denial of a stay is severe and immediate. Appellant faces homelessness and displacement as a direct result of the eviction executed today. By contrast, any hardship to Respondent from a temporary stay is minimal and can be addressed through bond or

conditions set by this Court. The balance of hardships weighs decisively in favor of granting emergency relief.

IV. THE PUBLIC INTEREST FAVORS A STAY.

The public interest supports allowing appellate courts to meaningfully review lower court decisions before irreversible consequences occur. Granting this stay preserves judicial integrity by ensuring that a successful appeal is not rendered moot by the passage of time or the physical impossibility of restoring the prior state of the property.

CONCLUSION

For the foregoing reasons, Appellant Jacqueline Roberts respectfully requests that this Court immediately enter an Emergency Stay of the eviction, restore Appellant's access to and possession of the subject property pending resolution of this appeal, and grant such other and further relief as this Court deems just and proper. Given the urgency of this situation, Appellant requests that this Court act on this Motion without delay.

Respectfully submitted,

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