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Jun 29 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

The Honorable David P. Caraker, Jr.

Appellate Case No. 2025-001453

Christopher A. Pierce,Appellant

v.

Foxwood Hills Property Owners Association,Respondent

RESPONDENT'S MOTION TO
DISMISS APPEAL

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MOTION TO DISMISS APPEAL

On March 18, 2026, the Court issued an order dismissing this appeal due to Appellant's failure to provide proof of paying for the transcript, as required by Rule 207 of the South Carolina Appellate Court Rules as well as a letter issued by the Court on March 3, 2026. On March 20, 2026, Appellant provided the Court with proof of paying for the transcript. On April 7, 2026, Appellant filed his motion to reinstate the appeal. On April 8, 2026, Respondent filed its return to Appellant's motion to reinstate. In response to Respondent's return, on April 20, 2026, Appellant filed his reply. On April 29, 2026, the Court issued an order reinstating this appeal, and reminded Appellant that he must comply with Rules 262 and 207 of the South Carolina Appellate Court Rules, and to notify the Court and Respondent immediately upon receipt of the transcript.

Rule 208(a)(1) of the South Carolina Appellate Court Rules provides that:

Within thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal, appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service.

Rule 208(a)(1), SCACR. Additionally, Rule 209 requires that the Appellant file and serve the Designation of Matter at the same time as the initial brief. The Appellant's filing on June 18, 2026, shows the statement from the court reporter that she sent the Transcript to the Appellant via email on April 7, 2026. Therefore, Appellant had until May 7, 2026 to file and serve his Initial Brief and Designation of Matter. Even if the Court construed the thirty-day timeline as having begun when it reinstated the appeal, the Appellant would have had until May 29, 2026 to serve and file these documents. The Appellant failed to do so, and in his June 11, 2026 correspondence to the Court, he excuses this failure by stating that the email from the court reporter went to his "spam" folder. The Appellant previously admitted in his motion to reinstate

that emails from the court “frequently [end] up there”; therefore, he is fully aware of this issue and is responsible for checking the spam folder. “[A] party has a duty to monitor the process of his case. Lack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to any lesser standard than is applied to an attorney.” *Goodson v. American Bankers Ins.Co.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1988). The Appellant, as a pro se litigant, is held to the same standard as an attorney in this matter. Attorneys are expected to fully monitor all incoming mail and emails, so as to keep up with the correspondence related to each of their cases. The same standard should apply to the Appellant. Further, this Appellant is very familiar with legal proceedings at this point, as this is not his first case, nor his first appeal.

Due to the Appellant’s continued failure to adhere to the Court’s rules and orders, the Respondent has had to incur significant time delay and additional attorney fees and costs on this case. The initial appeal was filed by the appellant almost one year ago to the very day and the Initial Brief and Designation of Matter have yet to be filed – all due to the actions, or inaction, of the Appellant. For these reasons, the Respondent requests that the Appellant’s appeal be dismissed.

Respectfully submitted,

/s/ John S. Kay

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*Attorney for Respondent Foxwood Hills Property
Owners Association*

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PROOF OF SERVICE

I hereby certify that I have served the Respondent's Motion to Dismiss Appeal on Christopher A. Pierce by depositing a copy of it in the United States Mail, postage prepaid, on June 29, 2026, addressed to Christopher A. Pierce at 605 White Owl Lane, Seneca, South Carolina 29678

/s/John S. Kay

John S. Kay (S.C. Bar No. 7914)

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Owners Association.

June 29, 2026
Columbia, South Carolina