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SC Court of Appeals

The South Carolina Court of Appeals

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May 6, 2026

Cheryl Carter
355 Bradley Bend Dr.
Moncks Corner SC 29461

Mrs. Victoria Watson Kurtz, Esquire
361 N SHELMOORE BLVD
MOUNT PLEASANT SC 29464

Re: Cheryl Carter v. McElveen Buick-GMC, Inc.
Appellate Case No. 2026-000201

Dear Counsel and Ms. Carter:

Enclosed is the decision of the Court. Appellant must notify the Court immediately upon the receipt of the transcript so that the appropriate briefing timeline may be set.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

The South Carolina Court of Appeals

Cheryl Carter, Appellant,

v.

McElveen Buick-GMC, Inc., Respondent.

Appellate Case No. 2026-000201

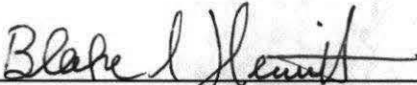
ORDER

On March 30, 2026, this court issued an order allowing Appellant to order the transcripts out of time and denying Respondent's motion to dismiss, which was based upon Respondent's argument that Appellant (1) did not order the transcript timely as required by Rule 207 of the South Carolina Appellate Court Rules, (2) did not file her notice of appeal timely as required by Rule 203 of the South Carolina Appellate Court Rules, (3) did not provide affidavits or documents in support of her motion to order the transcript out of time as required by Rule 240 of the South Carolina Appellate Court Rules, and (4) did not draft her motions in the proper form as required by Rule 267 of the South Carolina Appellate Court Rules.¹

On April 10, 2026, Respondent filed a "motion for reconsideration of order denying motion to dismiss, granting Appellant's motion to order transcripts out of time, and denying Appellant's request to file return out of time." After careful consideration, we take no action on Respondent's April 10, 2026 motion for reconsideration. *See* Rule 221(c), SCACR ("The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal."); Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

¹ This order also denied Appellant's motion to file a return to Respondent's motion to dismiss out of time.

On April 10, 2026, Respondent also moved to dismiss the appeal as frivolous, arguing "[t]he appeal presents no reasonably arguable basis in fact or law, fails to demonstrate any reversible error, and needlessly prolongs litigation that the circuit court resolved on well-established grounds." Within the motion to dismiss, Respondent moved for sanctions. On April 23, 2026, Appellant filed a "combined response in opposition to Respondent's motion for reconsideration and motion to dismiss for frivolous appeal."² Appellant argued her appeal is not frivolous. After careful consideration, we deny Respondent's motion to dismiss the appeal as frivolous.



FOR THE COURT J.

Columbia, South Carolina

cc:

Cheryl Carter

Victoria Watson Kurtz, Esquire

FILED
May 06 2026

² In light of our decision to take no action on Respondent's motion for reconsideration, we have not considered Appellant's response as to the motion for reconsideration, and we confine our review of Appellant's response as a return to Respondent's motion to dismiss.