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Jul 27 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Gerald Proctor d/b/a Proctor & Sons,
Appellant,

v.

Steven Siler, individually and d/b/a 12 Sirens LLC,
Respondent.

Court of Appeals Case No. 2025-002563

Appeal From Spartanburg County
Circuit Court Case No. 2025-CP-42-04094

MOTION TO REINSTATE APPEAL

Pursuant to Rule 260(a), SCACR, Appellant Gerald Proctor respectfully moves this Court for an Order reinstating the above-captioned appeal.

In support of this Motion, Appellant respectfully shows the Court as follows:

1. Appellant timely filed a Notice of Appeal from the Circuit Court's order affirming the judgment of the Spartanburg County Magistrate Court.
2. Appellant timely initiated the transcript request process as required by Rule 207, SCACR.
3. The original transcript request inadvertently contained an incorrect hearing date. Court Reporting contacted Appellant requesting clarification. Unfortunately, that communication was not seen because it was routed to Appellant's junk email folder, resulting in cancellation of the original transcript request.
4. After receiving the Court's letter dated March 6, 2026, Appellant promptly submitted a corrected transcript request and provided the Court with a status update regarding the transcript.
5. Thereafter, Court Reporting sent additional correspondence regarding transcript arrangements, including payment. Unfortunately, that communication was likewise not brought to Appellant's attention because it was filtered into the junk email folder.
6. As a result, Appellant failed to provide the status update requested in the Court's June 9, 2026 correspondence, and on July 13, 2026, the appeal was dismissed pursuant to Rule 207, SCACR.
7. Appellant respectfully submits that these failures were not intentional, were not the result of bad faith, and do not reflect any intent to abandon this appeal. Rather, they resulted from inadvertent failures to receive and respond to critical electronic communications concerning transcript preparation.
8. Upon learning of the dismissal, Appellant immediately undertook efforts to correct the deficiency. **Appellant remains prepared to immediately satisfy all remaining transcript requirements,**

including payment of any required transcript fee, upon reinstatement of this appeal or upon direction of the Court.

9. Reinstatement of this appeal will not unfairly prejudice Respondent. Conversely, dismissal prevents appellate review of the issues presented, even though Appellant timely commenced the appellate process and has consistently intended to pursue appellate review.
10. Rule 260(a), SCACR, expressly permits reinstatement of an involuntarily dismissed appeal upon leave of the Court and upon good cause shown. Appellant respectfully submits that the circumstances described above constitute good cause for reinstatement and that the interests of justice favor allowing this appeal to proceed on its merits.

WHEREFORE, Appellant respectfully requests that this Court:

1. Vacate the Order of Dismissal entered July 13, 2026;
2. Reinstate this appeal;
3. Permit Appellant to complete all transcript arrangements within such time as the Court deems appropriate; and
4. Grant such other and further relief as the Court considers just and proper.

Respectfully submitted,

Gerald Proctor
Appellant, Pro Se

560 Old Mill Rd, Chesnee, SC
(864) 497 2067
geraldproctor9@gmail.com

Date: July 27, 2026

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Circuit Court Case No. 2025-CP-42-04094

MEMORANDUM IN SUPPORT OF MOTION TO REINSTATE APPEAL

Appellant respectfully requests that the Court exercise its discretion under Rule 260(a), SCACR, to reinstate this appeal. The dismissal entered on July 13, 2026, resulted from Appellant's failure to provide a transcript status update as required by Rule 207, SCACR. Appellant acknowledges that the required update was not provided. However, the circumstances giving rise to that omission demonstrate good cause for reinstatement rather than an intent to abandon the appeal.

Procedural Background

Appellant timely filed a Notice of Appeal following the Circuit Court's decision affirming the judgment of the Magistrate Court.

Appellant timely initiated the transcript request process. The original transcript request inadvertently contained an incorrect hearing date. Court Reporting requested clarification, but that communication was not seen because it was routed to Appellant's junk email folder. As a result, the original transcript request was cancelled.

After receiving the Court's March 6, 2026 correspondence, Appellant promptly submitted a corrected transcript request and provided the Court with a status update.

Subsequently, Court Reporting sent additional correspondence concerning transcript arrangements, including payment. Unfortunately, that communication was likewise not discovered because it had been filtered into Appellant's junk email folder. Consequently, Appellant did not provide the transcript status update requested in the Court's June 9, 2026 letter, and the appeal was dismissed on July 13, 2026.

Good Cause Exists to Reinstate the Appeal

Rule 260(a), SCACR, authorizes the Court to reinstate an involuntarily dismissed appeal upon leave of the Court and upon good cause shown.

Appellant respectfully submits that good cause exists here.

At every stage of these proceedings, Appellant intended to pursue appellate review. The Notice of Appeal was timely filed, the transcript process was timely initiated, and when Appellant became aware of the initial transcript issue, a corrected request was promptly submitted.

The subsequent failure to provide the requested transcript status update did not result from an intent to abandon the appeal or from disregard of the Court's authority. Rather, it resulted from Appellant's failure to discover additional electronic communications concerning transcript preparation after those communications were diverted to a junk email folder.

Upon learning of the dismissal, Appellant immediately undertook efforts to remedy the deficiency and stands prepared to satisfy all remaining transcript requirements without delay, including payment of any transcript fees and compliance with any schedule established by the Court.

Reinstatement Serves the Interests of Justice

The dismissal of this appeal was procedural and did not address the merits of the issues presented for appellate review.

Reinstatement will permit the appeal to be resolved on its merits while allowing Appellant to fully comply with Rule 207, SCACR. Appellant respectfully submits that reinstatement will not unfairly prejudice Respondent, whereas dismissal permanently deprives Appellant of appellate review based upon a procedural failure that Appellant is prepared to immediately correct.

For these reasons, Appellant respectfully requests that the Court grant the Motion to Reinstate Appeal, vacate the Order of Dismissal entered July 13, 2026, permit completion of the transcript process, and allow this appeal to proceed in accordance with the South Carolina Appellate Court Rules.

Respectfully submitted,

Gerald Proctor
Appellant, Pro Se

Date: July 27, 2026

CERTIFICATE OF SERVICE

I certify that I served a true copy of this Motion upon Respondent by depositing the same in the United States Mail, postage prepaid, addressed to:

Steven Siler, individually and d/b/a 12 Sirens LLC
PO Box 5
Lynn, NC 28750

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Gerald Proctor

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FAX COVER SHEET

July 27, 2026

To:

Jenny Kitchings

Catherine Harrison

Jasmine Smith

Clerk's Office

South Carolina Court of Appeals

Fax: (803) 734-1839

From:

Gerald Proctor

Appellant, Pro Se

Phone: (864) 497-2067

Email: geraldproctor9@gmail.com

Re: **Motion to Reinstate Appeal**

Case: *Proctor v. Siler*

Appellate Case No. 2025-002563