

RECEIVED

AUG 04 2026

S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

RECEIVED

AUG 04 2026

SC Court of Appeals

Attia Elbadawy and Lynne Chatlos, Appellants Pro Se,	Appellate Case No: 2025-001299 2026-001187
v.	Lower Court No: 2024-CP-18-01459 2025-CP-18-01527
D.R. Horton, Inc., and Dorchester County, Respondents.	From Dorchester County Court of Common Pleas

**APPELLANTS' MOTION FOR CERTIFICATION OF BOTH
PENDING APPEALS TO THE SOUTH CAROLINA SUPREME
COURT, REQUEST TO PRESERVE THE STATUS QUO, AND
SUPPORTING MEMORANDUM**

Appellants Attia Elbadawy and Lynne Chatlos, appearing pro se, respectfully move the Supreme Court of South Carolina under Rule 204(b), SCACR, to certify for immediate review the two related appeals presently pending in the South Carolina Court of Appeals: Appellate Case No. 2025-001299 and Appellate Case No. 2026-001187.

Certification is warranted because the two appeals present legal questions of major importance concerning the identity and status of parties on appeal, the effect of a timely amended notice of appeal and service upon a party that actively participated below, the appellate court's obligation to apply its procedural rules consistently, and the preservation of meaningful appellate review while property rights and the status quo remain disputed.

Appellants further request an order preserving the status quo and staying further merits disposition in the Court of Appeals until this Court rules on certification and, if certification is granted, until this Court completes review. Appellants do not contend that the filing of this motion automatically stays the Court of Appeals proceedings. They request express relief because the pending briefing and disposition schedule could otherwise render the certification request ineffective.

The central procedural conflict is concrete. Dorchester County was an active third-party defendant in the circuit-court action, appeared through counsel, filed pleadings, was identified in lower-court captions and orders, was served with the amended notice of appeal and appellate filings. Nevertheless, the Court of Appeal has declined to recognize Dorchester County as a party to Appellate CASE No: 2025-001299. That refusal materially affects the proper alignment of parties,

service, briefing, relief, record review, and the finality and enforceability of any appellate decision.

The related appeal, Appellate Case No. 2026-001187, arises from the quiet-title and injunctive proceedings involving the same property, the same claimed roadway, overlapping parties, and substantially overlapping issues. The cases cannot be fairly or efficiently resolved while the identity of a necessary and participating governmental party remains unsettled.

For these reasons, Appellants ask this Court to certify both cases, direct transmission of the complete appellate records, preserve the status quo, and grant such additional relief as is necessary to protect this Court's jurisdiction and ensure a merits review under the governing appellate rules.

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Attia Elbadawy and Lynne Chatlos, Appellants Pro Se,	Appellate Case No: 2025-001299 2026-001187
v.	Lower Court No: 2024-CP-18-01459 2025-CP-18-01527

D.R. Horton, Inc., and Dorchester County, Respondents.	From Dorchester County Court of Common Pleas
--	---

MOTION FOR CERTIFICATION

I. RELIEF REQUESTED

Appellants respectfully request that the Supreme Court:

1. Certify Appellate Case Nos. 2025-001299 and 2026-001187 for review under Rule 204(b), SCACR;
2. Direct the Clerk of the Court of Appeals to transmit the complete files, records, briefs, motions, exhibits, orders, docket entries, and correspondence relevant to both appeals;
3. Stay further merits disposition in both Court of Appeals matters while this motion is under consideration and, if certification is granted, pending final disposition by this Court;
4. Preserve the status quo concerning Wise Lane, also referred to in portions of the record as Wise Road, and prohibit actions that would materially alter the property, access, possession, or disputed roadway while appellate jurisdiction is being exercised;

5. Determine, or direct determination of, Dorchester County's proper status as a party to the appeals in light of its participation in the lower court, service of the amended notice of appeal, and participation after the appeal was commenced;
6. Clarify the effect of the amended notice of appeal filed and served on July 1, 2025, and the effect of the Court of Appeals' acceptance and docketing of filings reflecting Dorchester County as a respondent or third-party respondent;
7. Consider the appeals together because they involve the same property, overlapping parties, overlapping orders, and inseparable questions concerning title, access, injunctive relief, and preservation of the status quo; and
8. Grant any further relief this Court finds just and necessary.

II. BASIS FOR CERTIFICATION

Rule 204(b), SCACR, permits the Supreme Court, in its discretion and on motion of any party, to certify a case pending before the Court of Appeals before that court has decided it. Certification is normally appropriate when a case involves an issue of significant public interest or a legal principle of major importance.

This motion does not ask the Court merely to correct an ordinary discretionary ruling. It presents recurring and institutionally important questions about how appellate jurisdiction and party status are determined when the lower-court record identifies an active party, that party is served with an amended notice of appeal, the appellate clerk accepts filings naming that party, but the intermediate Appellate Court later refuses to recognize the party.

The problem affects more than the names in a caption. Party status controls notice, service, briefing rights, preservation of defenses, the scope of relief, the binding effect of a judgment, and whether an appeal can fully resolve the controversy. A final decision entered without a party whose governmental conduct and claimed property interest are central to the dispute risks incomplete relief and additional litigation.

The two appeals also present the practical danger of inconsistent dispositions. One appeal concerns injunctive and related relief arising from the underlying property dispute. The second concerns quiet title and related relief involving the same claimed road and the same governmental conduct. Deciding either appeal without first resolving the County's status could produce decisions that cannot be reconciled or implemented.

III. REQUEST FOR INTERIM PROTECTION

Because Rule 204(b) certification is discretionary and does not by itself state that the Court of Appeals proceedings are automatically stayed, Appellants request a specific stay. Without interim protection, the Court of Appeals may proceed to final disposition before this Court can determine whether certification is warranted.

A temporary stay would not decide the merits. It would preserve the existing conditions, avoid jurisdictional confusion, and protect the usefulness of this Court's review. Appellants also request preservation of the disputed property and access conditions so that neither appeal is rendered moot or practically ineffective by unilateral physical or governmental action.

IV. CONCLUSION

The proper identity of the parties and the consistent application of appellate rules are threshold matters. The current conflict cannot be cured reliably after a merits disposition because the absence of a central party can affect every stage of appellate review. Immediate certification will promote uniform procedure, judicial economy, complete relief, and public confidence in the appellate process.

WHEREFORE, Appellants respectfully request that this Court grant the Motion for Certification, certify both appeals, preserve the status quo,

stay further merits proceedings below, direct transmission of the complete records, and grant all other appropriate relief.

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Attia Elbadawy and Lynne Chatlos, Appellants Pro Se,	Appellate Case No: 2025-001299 2026-001187
v.	Lower Court No: 2024-CP-18-01459 2025-CP-18-01527
D.R. Horton, Inc., and Dorchester County, Respondents.	From Dorchester County Court of Common Pleas

**MEMORANDUM IN SUPPORT OF MOTION FOR
CERTIFICATION**

QUESTION PRESENTED

Whether the Supreme Court should certify two related pending appeals where the Court of Appeals has declined to recognize Dorchester County as a party despite the County's active participation in the circuit court, service with an amended notice of appeal, appellate filings, acceptance by Court Clerk.

creating a threshold conflict that affects jurisdiction, service, briefing, relief, and the finality of any appellate decision.

STATEMENT OF THE CASE

The underlying controversy concerns Wise Lane in Dorchester County, South Carolina, and competing claims regarding title, access, public or private status, governmental authority, and the right to alter or use the disputed roadway.

In Dorchester County Court of Common Pleas Case No. 2024-CP-18-01459, D.R. Horton brought the principal action. Dorchester County was brought into the case as a third-party defendant. The County appeared through counsel, filed responsive pleadings and claims, and was treated in the circuit-court record as an active party.

Appellants commenced Appellate Case No. 2025-001299. A notice of appeal dated June 27, 2025 named D.R. Horton. An amended notice of appeal filed and served on July 1, 2025 expressly added Dorchester County. Proofs of service and later appellate filings reflected service on County counsel. The Court of Appeals accepted and docketed filings concerning the County's status.

No motion by Dorchester County seeking dismissal from the appeal has been identified by Appellants, and Appellants have not received an order expressly dismissing Dorchester County as a party.

Nevertheless, the Court of Appeals denied Appellants' requests to recognize Dorchester County as a party. On July 16, 2026, the Court of Appeals accepted certain filings but denied the request to add or recognize the County. Appellants sought reconsideration and clarification. On July 27, 2026, Appellants received clerk correspondence invoking Rule 221(c), SCACR, and stating that no further action would be taken.

The second appeal, Appellate Case No. 2026-001187, arises from Dorchester County Court of Common Pleas Case No. 2025-CP-18-01527, a quiet-title and injunctive action involving the same property and substantially overlapping issues. The lower-court proceedings and captions likewise reflected Dorchester County's involvement.

Appellants sought consolidation or coordinated treatment because the two appeals concern the same property and could generate conflicting outcomes. The Court of Appeals denied consolidation. The result is that

two related appeals are proceeding separately while the status of a central governmental party remains unresolved.

ARGUMENT

I. THE CASES PRESENT A LEGAL PRINCIPLE OF MAJOR IMPORTANCE UNDER RULE 204(b).

Rule 204(b), SCACR, authorizes certification before a Court of Appeals decision when a case presents an issue of significant public interest or a legal principle of major importance. The rule exists to permit this Court to resolve threshold or recurring questions before an intermediate appellate disposition causes avoidable inconsistency, duplication, or injustice.

The questions here concern the operation of the appellate system itself: how an amended notice of appeal affects party alignment; whether actual service and participation can be disregarded without an express dismissal order; whether a party active below can be omitted from appellate review when its conduct and interests are central to the requested relief; and what process is required before an appellate court treats a party as absent.

These are not fact-bound disputes over a single evidentiary ruling. They affect the administration of appeals throughout South Carolina. Clear guidance is needed so self-represented litigants, represented parties, clerks,

and courts know when a person or governmental entity is a party to an appeal and what formal action is necessary to remove that party.

II. DORCHESTER COUNTY'S STATUS IS A THRESHOLD ISSUE THAT SHOULD BE RESOLVED BEFORE THE MERITS.

Dorchester County was not a stranger to the lower-court proceedings. It was named as a third-party defendant, appeared through counsel, filed pleadings, and was included in lower-court captions and orders. The County's acts and asserted authority regarding Wise Lane are central to the property dispute.

Appellants served an amended notice of appeal naming Dorchester County. The County received subsequent appellate filings. Those facts establish actual notice and demonstrate that recognizing recognizing the County would not create an unfair surprise.

The refusal to recognize the County affects more than formal captioning. It may prevent complete relief concerning County actions, impair Appellants' ability to challenge County positions, leave County claims or defenses unresolved, and create doubt about whether the appellate judgment binds the governmental entity whose conduct is at issue.

If the Court of Appeals believed the County was not properly before it, the basis and procedural consequence required a clear judicial determination. Appellants repeatedly requested an explanation identifying the governing rule, the operative notice of appeal, and any order that dismissed the County. The absence of a reasoned, reviewable ruling has itself become a barrier to meaningful appellate review.

III. THE AMENDED NOTICE OF APPEAL AND ACTUAL SERVICE REQUIRE AUTHORITATIVE CLARIFICATION.

Rule 203, SCACR, governs service and filing of a notice of appeal. This case presents the related question of how the appellate courts should treat a timely amended notice that identifies an additional respondent already active below and is actually served on that respondent.

Appellants contend the July 1, 2025 amended notice should control the party alignment or, at minimum, should have been addressed by an express judicial ruling explaining why it was ineffective. The appellate record also reflects acceptance of filings and proofs of service naming Dorchester County.

Authoritative guidance is needed on whether an appellate court may rely solely on an earlier notice while disregarding a later served

amendment, actual participation, and the lower-court record, without first providing a formal opportunity to address any asserted defect.

This question is especially important for self-represented litigants. Appellate rules must be applied consistently and transparently. A party should be able to determine from the docket and written orders who is before the court and what corrective step, if any, remains available.

IV. THE TWO APPEALS SHOULD BE REVIEWED TOGETHER TO AVOID INCONSISTENT OR INCOMPLETE RELIEF.

Both appeals arise from the same underlying dispute concerning Wise Lane. They involve overlapping factual records, overlapping parties, overlapping requests for injunctive relief, and the same central dispute over governmental and private rights.

Separate disposition creates a substantial risk that one panel will treat Dorchester County or the roadway differently from another, or that one decision will undermine the practical effect of the other. Certification of both appeals will allow a single appellate court to resolve the threshold procedural issue and then address the merits in a coordinated manner.

Joint review will also conserve judicial resources. The complete records can be reviewed once, duplicative motions and briefing can be

avoided, and the Court can issue guidance that resolves the entire controversy rather than generating successive appeals.

V. A STAY AND PRESERVATION ORDER ARE NECESSARY TO PROTECT THE COURT'S REVIEW.

Rule 205, SCACR, recognizes the appellate court's exclusive jurisdiction over the appeal after service of a notice of appeal, while Rule 241 addresses stays and supersedeas in civil matters. Appellants seek express interim relief because certification under Rule 204(b) does not, by its text, automatically halt all Court of Appeals activity.

The balance favors temporary preservation. Appellants face possible final disposition of the appeals and possible alteration of disputed property conditions before the certification issue is decided. Respondents will suffer no comparable prejudice from a limited stay that simply preserves existing conditions and prevents inconsistent appellate action.

The requested stay should cover further merits disposition in both Court of Appeals cases and any action materially changing possession, access, construction, maintenance, or governmental treatment of Wise Lane while this Court considers and, if granted, decides the certified matters.

VI. RULE 221(c) DOES NOT ELIMINATE THE NEED FOR SUPREME COURT REVIEW.

The clerk correspondence received on July 27, 2026 cited Rule 221(c), SCACR, as the basis for taking no further action on Appellants' motion for reconsideration. Appellants understand Rule 221(c) to restrict reconsideration of certain interlocutory appellate orders unless the order dismisses or finally decides the appeal.

That restriction is a reason for certification, not a reason against it. If the Court of Appeals will not reconsider the party-status ruling before final judgment, the issue may infect the entire merits process. Rule 204(b) provides the appropriate mechanism for this Court to intervene before the cases are determined by the Court of Appeals.

Appellants are not attempting to use this motion as a substitute for a petition for writ of certiorari from a final Court of Appeals decision. No final merits decision has yet issued. They invoke the express pre-decision certification authority provided by Rule 204(b).

VII. CERTIFICATION WILL ADVANCE FAIRNESS, FINALITY, AND PUBLIC CONFIDENCE.

A transparent appellate process requires consistent application of the rules and written judicial explanations for rulings that materially affect party rights. Where a governmental entity's status changes the scope of

relief and the binding force of the judgment, uncertainty should be resolved before a merits decision.

Certification will permit this Court to clarify the governing procedure, ensure the complete controversy is before the reviewing court, and prevent a result that requires another round of litigation merely to determine who was bound by the first appeal.

This Court need not decide every factual dispute at the certification stage. It need only conclude that the threshold questions are sufficiently important and inseparable from the merits to justify immediate review.

CONCLUSION

Appellants respectfully request certification of Appellate Case Nos. 2025-001299 and 2026-001187 under Rule 204(b), SCACR; a stay of further merits disposition pending this Court's ruling; preservation of the status quo concerning Wise Lane; transmission of the full records; coordinated review of the two appeals; and all further relief this Court deems proper.

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Attia Elbadawy and Lynne Chatlos, Appellants Pro Se,	Appellate Case No: 2025-001299 2026-001187
v.	Lower Court No: 2024-CP-18-01459 2025-CP-18-01527
D.R. Horton, Inc., and Dorchester County, Respondents.	From Dorchester County Court of Common Pleas

VERIFIED STATEMENT OF RELEVANT PROCEDURAL FACTS

Appellants submit the following statement based upon their personal knowledge and the filings, docket entries, orders, service records, and correspondence in the two appeals:

1. Dorchester County was brought into Dorchester County Court of Common Pleas Case No. 2024-CP-18-01459 as a third-party defendant.
2. Dorchester County appeared through counsel and filed pleadings in the lower court.
3. Lower-court captions and orders identified Dorchester County as a party.

4. Appellants filed a notice of appeal dated June 27, 2025 and an amended notice of appeal on July 1, 2025 expressly naming Dorchester County.
5. Dorchester County and its counsel were served with the amended notice and later appellate papers.
6. The Court of Appeals accepted and docketed filings that referred to Dorchester County and included proofs of service on County counsel.
7. Appellants are not aware of a motion filed by Dorchester County asking to be dismissed from Appellate Case No. 2025-001299.
8. Appellants have not received a judicial order expressly dismissing Dorchester County from the appeal.
9. On July 16, 2026, the Court of Appeals denied Appellants' request to recognize Dorchester County.
- 10.. On July 27, 2026, Appellants received clerk correspondence citing Rule 221(c), SCACR, and stating no further action would be taken on the reconsideration request.
11. Appellate Case No. 2026-001187 concerns the same property and overlapping questions of title, access, injunction, and County authority.

12. Appellants sought consolidation or coordinated review, but the appeals remain separate.

13. Both appeals remain pending and have not been finally determined by the Court of Appeals.

14. Without prompt intervention, the Court of Appeals may decide one or both cases before the Supreme Court can address this certification request.

We declare that the foregoing is true and correct to the best of our knowledge and belief.

Date: AUGUST 4TH, 2026

Respectfully submitted,

Attia Elbadawy, Appellant Pro Se

And

Lynne Chatlos, Appellant Pro Se

**493 Wise Road
Summerville, SC 29483
ala_international@yahoo.com**

RECEIVED

AUG 04 2026

S.C. SUPREME COURT

CERTIFICATE OF SERVICE

We, certify that on the date stated below, a true and correct copy of the foregoing Appellants' Motion for Certification of Both Pending Appeals to the South Carolina Supreme Court, Request to Preserve the Status Quo, Supporting Memorandum and Verified Statements was served by the

U S Mail: upon the following:

RESPONDENT:

Counsel for D.R. Horton, Inc.

Kenison, Dudley & Crawford,
Mark Bible
325 W McBee Avenue,
Suite#301
Greenville, SC 29601

THIRD-PARTY RESPONDENT,

**Counsel for Dorchester County
Dorchester County Attorney's Office**

Bradley Mitchell
201 Johnston Street
St. George, SC 29477

**Clerk of the South Carolina
Court of Appeals
1220 Senate Street,
Suite #101
Columbia, SC 29201**

APPELLANTS,

Attia Elbadawy *Attia Elbadawy*

AND

Lynne Chatlos *Lynne Chatlos*

493 Wise Road
Summerville, SC 29483
ala_international@yahoo.com
August 4th, 2026

RECEIVED

AUG 04 2026

S.C. SUPREME COURT

CERTIFICATE OF SERVICE

We, certify that on the date stated below, a true and correct copy of the foregoing Appellants' Motion for Certification of Both Pending Appeals to the South Carolina Supreme Court, Request to Preserve the Status Quo, Supporting Memorandum and Verified Statements was served by the

method indicated upon the following:

Counsel for D.R. Horton, Inc.

Kenison, Dudley & Crawford,
Mark Bible
325 W McBee Avenue,
Suite#301
Greenville, SC 29601

**Counsel for Dorchester County
Dorchester County Attorney's Office**

Bradley Mitchell
201 Johnston Street
St. George, SC 29477

**Clerk of the South Carolina
Court of Appeals
1220 Senate Street,
Suite #101
Columbia, SC 29201**

RECEIVED

AUG 04 2026

S.C. SUPREME COURT **CERTIFICATE OF SERVICE**

We, certify that on the date stated below, a true and correct copy of the foregoing Appellants' Motion for Certification of Both Pending Appeals to the South Carolina Supreme Court, Request to Preserve the Status Quo, Supporting Memorandum and Verified Statements was served by the

U S Mail: upon the following:

RESPONDENT:

Counsel for D.R. Horton, Inc.

Kenison, Dudley & Crawford,
Mark Bible
325 W McBee Avenue,
Suite#301
Greenville, SC 29601

THIRD-PARTY RESPONDENT,

**Counsel for Dorchester County
Dorchester County Attorney's Office**

Bradley Mitchell
201 Johnston Street
St. George, SC 29477

**Clerk of the South Carolina
Court of Appeals
1220 Senate Street,
Suite #101
Columbia, SC 29201**

RECEIVED

AUG 04 2026

SC Court of Appeals

APPELLANTS,

Attia Elbadawy *attia elbadawy*

AND

Lynne Chatlos *Lynne Chatlos*

493 Wise Road

Summerville, SC 29483

ala_international@yahoo.com

August 4th, 2026