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Aug 20 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

The Honorable R. Keith Kelly,
Circuit Court Judge
The Honorable Perry Gravely,
Circuit Court Judge

Trial Court Case No. 2017-CP-11-00735
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District One,

Respondent.

**MOTION FOR PERMISSION TO
SERVE AND FILE RESPONDENT'S FINAL BRIEF OUT OF TIME**

Pursuant to Rules 211 and 240, SCACR, and in response to this Court's letter of August 10, 2026, Respondent Cherokee County School District One ("Respondent") respectfully moves this Court for permission to serve and file Respondent's Final Brief out of time. Respondent's Final Brief has been served and filed contemporaneously with this Motion, within the ten (10) days allowed by the Court's August 10, 2026 letter. Undersigned counsel acknowledges that the Final Brief was not served and filed when it came due, takes full responsibility for that oversight, and respectfully asks the Court to accept the Final Brief as filed. In support of this Motion, Respondent states as follows.

I. PROCEDURAL BACKGROUND

1. Respondent served and filed its Designation of Matter to be Included in the Record on Appeal, together with its initial brief, on February 12, 2025. The arguments Respondent advances in its Final Brief have been before Appellant, without material change, since that date.

2. Appellant Sharon Brown, proceeding *pro se*, served and filed the Record on Appeal on or about November 24, 2025.

3. On December 15, 2025, Respondent moved pursuant to Rule 212(b), SCACR, to supplement the Record on Appeal. The motion identified materials that were before the court below and are directly relevant to the issues on appeal, but which were omitted from Appellant's designation and, consequently, from the Record on Appeal as filed. Those materials included Appellant's controlling pleading — the Second Amended Complaint filed January 11, 2018, which was relied upon at summary judgment and at trial — the index and certificate of the trial transcript, portions of the trial transcript, and Defendant's Trial Exhibit 13. Respondent does not suggest that these omissions were intentional on Appellant's part; they appear to have been inadvertent. They were, however, the principal reason supplementation was necessary.

4. Respondent's December 15, 2025 Motion also expressly requested, in paragraphs 3 and 4 of its prayer for relief, that the parties be allowed ten (10) days following the filing and service of the Appendix to serve and file their final briefs.

5. On January 12, 2026, Appellant moved for leave to file a Supplemental Return to Respondent's Motion to Supplement. In that Supplemental Return, Appellant consented in part and objected in part, and advised the Court that she "has already submitted her final briefs." Appellant's final brief has accordingly been on file with this Court since well before Respondent's Final Brief came due.

6. By Order filed June 9, 2026, the Court granted Appellant's motion to file a supplemental return and granted Respondent's Motion to Supplement the Record on Appeal, directing that Respondent "serve and file the supplemental record on appeal within thirty (30) days of the date of this order."

7. Respondent complied. On July 9, 2026, within the thirty (30) days allowed, Respondent served and filed the Appendix to the Supplemental Record on Appeal. Appellant has therefore had the supplemented Record in hand for more than six weeks.

8. The June 9, 2026 Order granted Respondent's Motion but did not separately address the request regarding the timing of final briefs, and it did not set a date certain for the parties' final briefs.

9. By letter dated August 10, 2026, the Clerk advised counsel that the time for serving and filing Respondent's Final Brief had expired, and directed that within ten (10) days Respondent serve and file its Final Brief together with a motion for permission to do so out of time, pursuant to Rules 211 and 240, SCACR. This Motion and Respondent's Final Brief are served and filed today, August 20, 2026, in compliance with that letter.

II. GROUNDS FOR THE MOTION

A. The delay resulted from an honest misapprehension of the procedural posture, not from disregard of the Court's deadlines.

Undersigned counsel candidly advises the Court that the late filing was the product of a mistaken understanding of what was to occur next after the Record was supplemented, and not of any intentional, strategic, or dilatory purpose. Because Appellant had already served and filed her final brief before the Record was supplemented, and because the supplemented materials included her own vital controlling pleading and other matter necessary to this Court's review, counsel

understood that the next step in the sequence would be an opportunity for Appellant to amend or conform her final brief to the supplemented Record, after which Respondent's Final Brief would follow. That understanding was incorrect, and Respondent regrets the resulting error in calculating the deadline.

The misapprehension was reinforced by the fact that the June 9, 2026 Order, while granting Respondent's Motion, did not expressly rule on the request that final briefs be filed ten (10) days after the filing and service of the Appendix, and did not set a date certain for final briefs. Counsel does not offer this as an excuse, but as an explanation of how a diligent practitioner came to miscalculate a deadline he had himself asked the Court to set.

B. The late filing concerns only the Final Brief, which adds record citations rather than argument.

The untimely document is the Final Brief alone. Under Rule 211(b), SCACR, a final brief is not a fresh statement of a party's position; it is the party's brief conformed to the Record on Appeal, with references to the pages of the Record inserted in place of the references used in the initial brief. The function of the final brief is to supply the Court with accurate record citations.

Consistent with that rule, Respondent's Final Brief raises no new issue, advances no new theory, and expands the scope of no argument. It states the same positions Respondent has maintained since February 12, 2025, now cited to the Record on Appeal as supplemented by the Appendix filed July 9, 2026. The scope of neither party's arguments has changed.

C. Appellant suffers no prejudice.

Appellant has had Respondent's arguments before her for approximately eighteen (18) months, since Respondent's initial brief was served on February 12, 2025. Appellant's own final brief was completed and filed long before Respondent's Final Brief came due, as she advised the

Court in January 2026. Nothing in the timing of Respondent's Final Brief affected the preparation, content, or filing of Appellant's brief, and Appellant has not been required to respond to Respondent's Final Brief or to alter her position because of it.

The supplemental Record was timely served and filed on July 9, 2026, so Appellant has had the complete Record, including the record citations to which Respondent's Final Brief refers, for more than six weeks.

This appeal has not been scheduled for oral argument or submitted for decision, and acceptance of Respondent's Final Brief will not delay the Court's consideration of the appeal. By contrast, Respondent would be substantially prejudiced if its Final Brief were not considered. The Court would then decide this appeal with only one party's brief conformed to the supplemented Record which would hinder rather than assist appellate review.

D. The brief extension sought is consistent with the accommodations extended in this appeal.

This appeal has been pending since 2022, and the briefing schedule has been enlarged on multiple occasions, including at Appellant's request. On most occasions, Respondent did not oppose those requests, recognizing the accommodation appropriately afforded a *pro se* litigant. Respondent asks for no comparable indulgence here, only that the Court accept a single brief, tendered with this Motion, that supplies record citations to arguments long since disclosed.

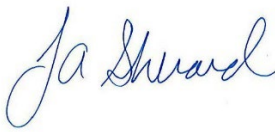
E. The interests of justice favor resolution of this appeal on a complete record and on the merits.

This Court has consistently expressed a preference for deciding appeals on their merits rather than on procedural default, particularly where the default is inadvertent, promptly cured, and works no prejudice. Each condition is satisfied here.

III. CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court grant permission to serve and file Respondent's Final Brief out of time, and accept as filed the Final Brief served and filed contemporaneously with this Motion on August 20, 2026. Appellant is proceeding *pro se* and her consent has not been obtained; a copy of this Motion and of Respondent's Final Brief has been served upon Appellant this date.

Respectfully submitted,

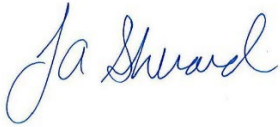
By: 

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Attorneys for the Respondent

PROOF OF SERVICE

I, J. Alexander Sherard, hereby certify that I have served the foregoing MOTION FOR PERMISSION TO SERVE AND FILE RESPONDENT'S FINAL BRIEF OUT OF TIME, together with RESPONDENT'S FINAL BRIEF, upon Appellant Sharon Brown, *pro se*, at the address below, by placing a copy of the same in the United States Mail, first class postage prepaid, and by electronic mail, on this 20th day of August, 2026.

Sharon Brown
216 Ardmore Road
Spartanburg, South Carolina 29306
sharon.brown21@yahoo.com
Appellant, pro se



J. Alexander Sherard (SC Bar No. 103276)

August 20, 2026
Columbia, South Carolina

CERTIFICATE OF COUNSEL

This is to certify that Respondent Cherokee County School District One's Motion to file out of time for its final brief, is being served upon Appellant, Sharon Brown, contemporaneously herewith, complies with Rule 240(c), SCACR.



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August 20, 2026

VIA EMAIL: ctappfilings@sccourts.org

Ms. Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
Aug 20 2026
SC Court of Appeals

Re: Sharon Brown v. Cherokee County School District One
Appellate Case No. 2022-001582

Dear Ms. Kitchings:

Please find the attached documents for filing on behalf of the Respondent, Cherokee County School District One, in the above-referenced appeal:

- 1) Respondent's Motion to File the Final Brief of Respondent Out of Time;
- 2) Certificate of Counsel; and
- 3) Proof of Service.

The Appellant, Sharon Brown, has been copied on this communication with the Court and has been served with the foregoing documents by email and by First-Class U.S. Priority Mail.

Should you have any questions, or if there is anything that needs to be addressed regarding this filing, please do not hesitate to contact me directly via email or call our office at (803) 814-0993 for assistance.

Sincere regards,

J. Alexander Sherard
Attorney at Law

Enclosures

c: Ms. Sharon Brown (via email, w/ enclosures)
Andrea E. White, Esq. (w/o enclosures)



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August 20, 2026

VIA EMAIL & FIRST-CLASS U.S. PRIORITY MAIL

(#9410830109355010915394)

Ms. Sharon Brown
216 Ardmore Road
Spartanburg, SC 29306
Sharon.Brown21@yahoo.com

Re: Sharon Brown v. Cherokee County School District One
Appellate Case No. 2022-001582

Dear Ms. Brown:

Enclosed please find the *Respondent, Cherokee County School District One's Motion to File the Final Brief of Respondent Out of Time, Certificate of Counsel, and Proof of Service*, hereby served upon you as the *Appellant*. These documents were filed with the S.C. Court of Appeals on August 20, 2026.

Sincere regards,

J. Alexander Sherard
Attorney at Law

Enclosures

C: Andrea E. White, Esq. (Via email)

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