

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Aug 20 2026

SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Courtney Clyburn Pope, Circuit Court Judge

Appellate Case No.2026-001556

Elvira Perez

Appellant

Vs.

Edgefield Community

Healthcare, LLC

Appellee

MOTION TO RECONSIDER

Appellant, Elvira Perez, respectfully moves the Court to reconsider the various material issues before it , then reverse and remand the case to the Court of Common Pleas. As grounds in support thereof she shows:

- 1- The Defendants have not, and can not , show that Ms Perez does not have the Constitutional and Common Law Right to access the Courts by and through her son and Next Friend Jose A. Perez;
- 2- The Defendant did not, and could not , contradict the findings made by (a) the Federal Trade Commission¹ , (b) the Administrative Conference of the United States² and (c) even the American Bar Association³ , to wit, that the ban on non-lawyer representation harm consumers and the poor;
- 3- The Defendants have not, and can not, show that the arbitrarily delaying consideration of a Motion for Injunctive Relief does not have “the practical effect of refusing the injunction. A.A.R.P. v. Trump , 605 US 91, 94 (2025) wherein the US Supreme Court ruled that : “Appellate courts have jurisdiction to review interlocutory orders that have “the practical effect of refusing an injunction.” Carson v. American Brands, Inc., 450 U. S. 79, 84 (1981). A court's inaction in the face of extreme urgency and a high risk of “serious, perhaps irreparable,” consequences may have the effect of refusing an injunction. 16 C. Wright, A. Miller, & E. Cooper, Federal Practice and

¹ https://www.ftc.gov/sites/default/files/documents/advocacy_documents/ftc-staff-comment-mr.carl-e.testo-counsel-rules-committee-superior-court-concerning-proposed-rules-definition-practice-law/v070006.pdf

² <https://www.acus.gov/document/nonlawyer-assistance-and-representation>

³ <https://www.americanbar.org/news/abanews/aba-news-archives/2025/02/non-lawyer-services-close-justice-gap/>

Procedure § 3924.1, pp. 174, 180–181 (3d ed. 2012) (quoting Baltimore Contractors, Inc. v. Bodinger, 348 U. S. 176, 181 (1955)).

- 4- There were no findings that Ms Perez’ allegation of poverty were untrue;
- 5- Rule 3(b)(1) SCRCP states that : “ **A presumption that the plaintiff is unable to pay the fee required to file the action shall be created if the plaintiff’s net household income is less than or equal to the Poverty Guidelines** established and revised annually by the United States Department of Health and Human Services and published in the Federal Register.
- 6- Furthermore, there were no court findings that Ms. Perez’ cause of actions – including her Motion Seeking injunctive relief – are frivolous or do not involve fundamental Constitutional rights⁴
- 7- Furthermore , there were no findings of fact or conclusions of law stating that Ms Perez can’t prove no set of facts entitling her to relief⁵.

CONCLUSION

WHEREFORE, Appellant, Elvira Perez, respectfully moves the Court Of Appeals to reconsider the various material issues before it , then reverse and remand the case to the Court of Common Pleas.

⁴ Harrison v Harrison, 646 SE 2d 180 , 373 SC 524 (SC COA-2007)

⁵ Skydive Myrtle Beach Inc. v. Horry County, 826 SE 2nd 585 , 426 SC 175 (2019) citing *Spence v. Spence* , 368 S.C. 106, 117-127 , 628 S.E.2d 869 (2006).

Respectfully Submitted ,

Jose A Perez
307 Lakeside Drive
North Augusta, SC 29841
917-817-6104
theaesculapius@gmail.com

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the Motion To Reconsider was served by
emailing a copy thereof on this 20th Day of August 2026 to:

Jerome B Crites
Burr and Foreman
850 Morrison Drive, Suite 300
Charleston, SC 29403
bcrites@burr.com

Respectfully Submitted ,

Jose A Perez
307 Lakeside Drive
North Augusta, SC 29841
917-817-6104
theaesculapius@gmail.com