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Aug 21 2026

SC Court of Appeals

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

Appeal from Charleston County
Court of Common Pleas

Eugene P. Warr, Jr., Circuit Court Judge

Appellate Case No. 2026-000211
Circuit Court Case No. 2025-CP-10-03621

Joel Ndunda,

Appellant,

v.

Brandi Pfeil, LP-A, Crisis Intervention Employee, individually and officially;
Caitlyn McGarty, Crisis Intervention Employee, individually and officially;
South Carolina Department of Behavioral and Developmental Disabilities,
Office of Mental Health; and Charleston Dorchester Mental Health Center,

Defendants,

Of which Brandi Pfeil, Caitlin McGarty, and Charleston Dorchester Mental
Health Center are the

Respondents.

**RESPONDENTS' MOTION TO STAY DEADLINE FOR INITIAL BRIEF OF
RESPONDENTS PENDING DISPOSITION OF APPELLANT'S MOTION FOR
SUMMARY REVERSAL AND VACATUR OF THE ORDER OF DISMISSAL ON THE
GROUND OF EXTRINSIC FRAUD ON THE TRIBUNAL OR, IN THE ALTERNATIVE,
TO SUPPLEMENT THE RECORD PURSUANT TO RULE 212, SCACR, OR,
ALTERNATIVELY, FOR EXTENSION OF DEADLINE TO AUGUST 31, 2026**

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Brian L. Quisenberry (SC Bar No. 73637)
Russell G. Hines (SC Bar No. 72100)
Zachary M. Kern (SC Bar No. 103731)
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*Attorneys for Brandi Pfeil; Caitlin McGarty;
and the South Carolina Department of
Behavioral Health and Developmental
Disabilities, Office of Mental Health*

By and through their undersigned counsel, pursuant to Rules 240(b) and 263(b), SCACR, and on the grounds set forth below, Defendants/Respondents Brandi Pfeil; Caitlin McGarty; and the South Carolina Department of Behavioral Health and Developmental Disabilities, Office of Mental Health (the “Department”) (collectively, “Respondents”)¹ hereby move to stay the deadline for them to file/serve the Initial Brief of Respondents and corresponding designation of matter to be included in the record on appeal pending the disposition of Appellant’s Motion for Summary Reversal and Vacatur of the Order of Dismissal on the Ground of Extrinsic Fraud on the Tribunal or, in the Alternative, to Supplement the Record Pursuant to Rule 212, SCACR (“Appellant’s Motion for Summary Disposition”) or, alternatively, to extend the deadline for the Initial Brief of Respondents and Respondents’ designation by an additional ten (10) days, i.e., through August 31, 2026.

Presently, the Initial Brief of Respondents and Respondents’ designation are due today, August 21, 2026; however, Appellant’s Motion for Summary Disposition remains pending. While Respondents recognize that Appellant’s Motion for Summary Disposition is not a motion to dismiss this appeal, the relief it seeks, the abrupt termination of this appeal in Appellant’s favor, is similar in character to that of a dismissal. Thus, the rationale that underlies Rule 240(b)’s imposition of an automatic stay until a motion to dismiss an appeal is decided, would seem to apply in the instant circumstance as well. Accordingly, and while, as set forth in their return to Appellant’s Motion for Summary Disposition, Respondents certainly maintain that Appellant’s Motion for Summary Disposition should be denied, there is good cause to stay this

¹ Respondents, i.e., Pfeil, McGarty, and the Department, are the correct names for the defendants in this case, and as such, they are the correct names for the respondents in this appeal. Charleston Dorchester Mental Health Center is not a separate legal entity, but rather one of the Department’s facilities, and it is improperly named as a defendant in this case and a respondent in this appeal.

appeal, and, in turn, the deadline for Respondents' initial brief and designation, until Appellant's Motion for Summary Disposition is decided.

Alternatively, on account of work-related and other time commitments (including time necessarily devoted to opposing Appellant's Motion for Summary Disposition—which, again, most respectfully, should be denied), Respondents' undersigned counsel respectfully requests that the deadline for the Initial Brief of Respondents and Respondents' designation be extended by an additional ten (10) days, i.e., through August 31, 2026. Respectfully, Respondents believe such relief is reasonably warranted under the circumstances, consistent with the interests of justice, and will not work any undue prejudice upon Appellant.

WHEREFORE, Respondents respectfully move this Honorable Court to either stay the deadline for their initial brief and designation until Appellant's Motion for Summary Disposition is decided or, alternatively, extend such deadline to Monday, August 31, 2026. Respondents further request that the present deadline be held in abeyance pending the Court's ruling on this motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
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Brian L. Quisenberry (SC Bar No. 73637)
Russell G. Hines (SC Bar No. 72100)
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Defendants,

Of which Brandi Pfeil, Caitlin McGarty, and Charleston Dorchester Mental
Health Center are the

Respondents.

PROOF OF SERVICE

CLEMENT RIVERS, LLP
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*Attorneys for Brandi Pfeil; Caitlin McGarty;
and the South Carolina Department of
Behavioral Health and Developmental
Disabilities, Office of Mental Health*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Respondents, hereby certify that **RESPONDENTS' MOTION TO STAY DEADLINE FOR INITIAL BRIEF OF RESPONDENTS PENDING DISPOSITION OF APPELLANT'S MOTION FOR SUMMARY REVERSAL AND VACATUR OF THE ORDER OF DISMISSAL ON THE GROUND OF EXTRINSIC FRAUD ON THE TRIBUNAL OR, IN THE ALTERNATIVE, TO SUPPLEMENT THE RECORD PURSUANT TO RULE 212, SCACR, OR, ALTERNATIVELY, FOR EXTENSION OF DEADLINE TO AUGUST 31, 2026** was emailed to Appellant on August 21, 2026, and will be placed in the mail to him on August 24, 2026, at the respective email and mailing addresses below:

Joel Ndunda
4015 Laurelwood Drive
Charleston, SC 29414
geospatial02@outlook.com

Appellant

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
*Attorneys for Brandi Pfeil; Caitlin McGarty;
and the South Carolina Department of
Behavioral Health and Developmental
Disabilities, Office of Mental Health*

Charleston, South Carolina

August 21, 2026

Hines, Russell

From: Hines, Russell
Sent: Friday, August 21, 2026 10:14 PM
To: 'geospatial02@outlook.com'
Cc: Kern, Zachary (Zach); Justman, Barbara; Justman, Aimee; Quisenberry, Brian; Brown, Stephen L.
Subject: Appeal 2026-000211 – Ndunda v. Pfeil – CR250791 – Motion to Stay Pending Decision on Appellant's Motion for Summary Disposition
Attachments: Ndunda v. Pfeil (2026-000211) -- Motion to Stay Briefing Deadline or Extend to 8-31-26.pdf

Attached please find **Respondents' Motion to Stay Deadline for Initial Brief of Respondents Pending Disposition of Appellant's Motion for Summary Reversal and Vacatur of the Order of Dismissal on the Ground of Extrinsic Fraud on the Tribunal or, in the Alternative, to Supplement the Record Pursuant to Rule 212, SCACR, or, Alternatively, for Extension of Deadline to August 31, 2026.**

Russell G. Hines
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