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Aug 24 2026

SC Court of Appeals

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

Appellate Case No. 2024-000279

ASHLEY WILLIAMSON,
Appellant,

v.

ROCK POINTE II,
Respondent.

Appeal from York County

Circuit Court Case No. 2024CP4600289

Magistrate Court Case No. 2024CV4610300028

**APPELLANT'S RETURN IN OPPOSITION TO RESPONDENT'S MOTION TO
DISMISS
AND
MOTION FOR LEAVE TO FILE AND SERVE FINAL BRIEF OUT OF TIME**

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**APPELLANT'S RETURN IN OPPOSITION TO RESPONDENT'S MOTION TO
DISMISS AND MOTION FOR LEAVE TO FILE AND SERVE FINAL BRIEF OUT OF
TIME**

Appellant Ashley Williamson, appearing pro se, respectfully submits this Return in Opposition to Respondent's Motion to Dismiss and moves this Honorable Court, pursuant to Rules 240 and 263(b), SCACR, for leave to file and serve her Final Brief out of time.

Appellant acknowledges that the Record on Appeal was served on July 16, 2026, and that, under Rule 211(a), SCACR, her Final Brief was due August 5, 2026. Appellant respectfully requests that the Court decline to dismiss this appeal and instead exercise its authority under Rule 263(b), SCACR, to permit the late filing and service of her Final Brief.

BACKGROUND AND GOOD CAUSE

Appellant is proceeding without counsel and is the mother of eight children. During the period immediately preceding and following the August 5, 2026 deadline, Appellant faced substantial and overlapping family, employment, educational, and caregiving responsibilities.

Five of Appellant's children began grade school on August 3, 2026, including one child entering the senior year of high school. Appellant was responsible for preparing those children for the beginning of the school year while also handling necessary medical and dental appointments.

Two of Appellant's older children were preparing to attend college beginning August 10, 2026. They encountered unexpected difficulty obtaining college housing and did not secure housing until August 17, 2026. Appellant devoted substantial time during this period to assisting them with housing and preparations for college.

At the same time, Appellant was working mandatory twelve-hour shifts and also had caregiving responsibilities for her mother. These responsibilities converged during the period in which Appellant was required to complete, file, and serve her Final Brief.

Appellant's failure to meet the August 5 deadline was not intentional, was not an abandonment of this appeal, and was not for purposes of delay. Appellant has continued to prosecute the appeal and respectfully seeks a fair opportunity to have the issues raised in the appeal considered on their merits.

MEMORANDUM IN SUPPORT

I. THE COURT HAS AUTHORITY UNDER RULE 263(b), SCACR, TO EXTEND THE TIME FOR FILING THE FINAL BRIEF.

Rule 211(a), SCACR, provides that each party shall serve and file the party's Final Brief within twenty days after service of the Record on Appeal. Appellant acknowledges that requirement and the missed deadline.

Rule 263(b), SCACR, provides that the time prescribed by the appellate rules for performing any act may be extended or shortened by the appellate court, or by any judge or justice thereof, except for the time for serving the notice of appeal under Rules 203 and 243. The deadline for filing a Final Brief under Rule 211(a) is not one of the exceptions identified in Rule 263(b).

Accordingly, Appellant respectfully requests that the Court exercise the authority provided by Rule 263(b) and allow her Final Brief to be filed and served out of time.

II. GOOD CAUSE EXISTS FOR RELIEF FROM THE MISSED DEADLINE.

Rule 240, SCACR, governs motions filed in the appellate court and permits the parties to support their positions with affidavits where the facts relied upon are not contained in the Record on Appeal. Appellant therefore submits the attached Affidavit describing the circumstances surrounding the missed deadline.

Appellant recognizes that self-representation does not excuse compliance with the South Carolina Appellate Court Rules. She nevertheless respectfully asks the Court to consider the totality of the circumstances: responsibility for eight children; the August 3 start of the

grade-school year for five children; an unexpected college-housing problem affecting two children whose classes began August 10; mandatory twelve-hour work shifts; family medical and dental appointments; and caregiving responsibilities for her mother.

These circumstances were concentrated around the August 5 briefing deadline. Appellant did not intend to disregard the Court's rules and has not abandoned her appeal.

III. DISMISSAL IS NOT REQUIRED WHERE THE COURT MAY GRANT RELIEF UNDER RULE 263(b).

Respondent asks the Court to dismiss the appeal under Rule 260(a) based upon Appellant's failure to timely file and serve the Final Brief. Rule 260(a) authorizes dismissal for noncompliance with the appellate rules and further provides that a dismissed appeal may be reinstated by leave of the Court upon good cause shown.

Appellant respectfully submits that the briefing deadline differs from the jurisdictional deadline for service of a notice of appeal. Rule 263(b) expressly excepts the time for serving a notice of appeal under Rules 203 and 243 from the Court's authority to extend time, but does not similarly except the Rule 211 Final Brief deadline.

Appellant therefore respectfully requests that the Court deny Respondent's Motion to Dismiss and permit the Final Brief to be filed and served out of time so the appeal may proceed to consideration on its merits.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Honorable Court (1) deny Respondent's Motion to Dismiss; (2) grant Appellant leave to file and serve her Final Brief out of time; (3) accept the Final Brief if tendered with this filing, or permit Appellant to file and serve it within such time as the Court directs; and (4) grant such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

_____

Ashley Williamson

Appellant, Pro Se

August 24, 2026

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**ASHLEY WILLIAMSON, Appellant
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AFFIDAVIT OF ASHLEY WILLIAMSON

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1. I am the Appellant in this matter and am representing myself pro se.
2. I make this Affidavit from my personal knowledge in support of my Motion for Leave to File and Serve Final Brief Out of Time and my Return in Opposition to Respondent's Motion to Dismiss.
3. I understand that my Final Brief was due August 5, 2026.
4. I am the mother of eight children and have substantial responsibility for their care and education.
5. Five of my children began grade school on August 3, 2026, including one who is beginning the senior year of high school.
6. Two of my older children were preparing to attend college beginning August 10, 2026.
7. Those two children experienced unexpected difficulty obtaining college housing and did not secure housing until August 17, 2026.
8. During this period, I devoted substantial time to helping them obtain housing and prepare to begin college.
9. At the same time, I was preparing my five grade-school children for the beginning of their school year and handling necessary family medical and dental appointments.
10. I was also working mandatory twelve-hour shifts.

11. In addition to my responsibilities as a mother and employee, I have caregiving responsibilities for my mother.

12. These circumstances occurred simultaneously during the period in which I was required to complete, file, and serve my Final Brief.

13. My failure to meet the August 5, 2026 deadline was not intentional and was not an attempt to delay these proceedings.

14. I have not abandoned my appeal and have continued working to complete the documents required to prosecute it.

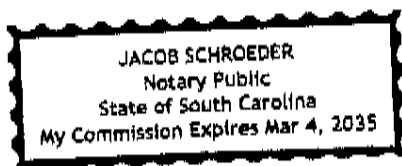
15. I respectfully request that the Court permit me to file and serve my Final Brief out of time and deny Respondent's Motion to Dismiss.

FURTHER AFFIANT SAYETH NOT.

Ashley Williamson
Ashley Williamson

SWORN to before me this
24th day of August, 2026.

Jacob Schroeder
Notary Public for South Carolina
My Commission Expires: 03-04-2035



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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2026, I served a true and correct copy of the foregoing **Appellant's Return in Opposition to Respondent's Motion to Dismiss and Motion for Leave to File and Serve Final Brief Out of Time, Memorandum in Support, and Affidavit of Ashley Williamson** by depositing the same in the United States Mail, first-class postage prepaid, addressed to counsel for Respondent as follows:

Mary M. Caskey, Esquire

Haynsworth Sinkler Boyd, P.A.

Post Office Box 11889

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James Marshall Biddle, Esquire

Biddle Law Firm, LLC

311 Beatty Street, Suite A

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Ashley Williamson

Appellant, Pro Se

August 24, 2026

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To: Court of Appeals Fax: 803-734-1839

Date: 8-24-26 17 # of pages (including cover):

From: Ashley Williamson Phone #: 803-280-2709

Subject: Case # 2024-000279

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