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Aug 27 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Cynthia Veronese,

Appellant,

v.

Jarrel J. Wigger and Wigger Law Firm, Inc.,

Respondents.

Appellate Case No. 2025-002132

**APPELLANT'S PETITION FOR REHEARING OF THE
COURT'S ORDER DATED JULY 22, 2026**

TO: THE HONORABLE CHIEF JUDGE AND ASSOCIATE JUDGES OF THE SOUTH
CAROLINA COURT OF APPEALS:

Pursuant to Rule 221, SCACR, Appellant Cynthia Veronese, appearing pro se, respectfully petitions this Court for rehearing of that portion of its Order dated July 22, 2026 denying Appellant's May 18, 2026 motion and June 16, 2026 amended motion to amend the record on appeal. Appellant respectfully submits that, in resolving those motions on the ground of procedural timeliness, the Court may not have had occasion to consider a specific and asymmetric consequence of that ruling: it forecloses appellate review of Appellant's unheard Motion for Sanctions while leaving Respondents free to invoke the very same expert-affidavit issue a second time in support of their pending Counterclaims. Appellant respectfully states as follows:

I. PRELIMINARY STATEMENT: NO DELAY IS INTENDED OR REQUESTED

1. Appellant does not seek by this petition to postpone the filing of her final brief. Contemporaneously with this petition, Appellant is filing a separate motion for extension of time in which to file her final brief. Appellant understands that the filing of this petition does not, of itself, extend the thirty-day deadline established by the Court's August 10, 2026 Order, and Appellant does not ask the Court to treat it as doing so.

2. Appellant raises the matters below because they concern the integrity of the record upon which this appeal will be decided, and because the consequence identified herein cannot be cured after the appeal is resolved.

II. PROCEDURAL BACKGROUND

3. On July 22, 2026, this Court denied Appellant's May 18, 2026 motion and June 16, 2026 amended motion, which the Court construed as motions to amend the record on appeal pursuant to Rule 212(b), SCACR, and directed that "Appellant has fifteen days from the date of this order to serve and file Appellant's final briefs or this appeal may be dismissed."

4. The items Appellant sought to include in the record were Appellant's Motion for Sanctions which was filed along with the Amended Motion on June 16th, 2026, and the transcript of the hearing held on August 21, 2025. [ROA, pp. 89-109]. Both items were filed with, or created in, the circuit court below prior to the entry of final judgment.

5. On September 8, 2025, the circuit court (the Honorable S. Bryan Doby) granted Respondents' motion to dismiss and dismissed Appellant's claims with prejudice on the ground that Appellant had not filed an expert witness affidavit. [ROA, pp. 7-9].

6. Approximately fifteen days before that dismissal, at the hearing held on August 21, 2025, Appellant appeared and sought to argue her Motion for Sanctions. That motion set forth the circumstances that Appellant contends prevented her from obtaining the required expert affidavit — circumstances in which, Appellant further contends, Respondents themselves participated. [ROA, pp. 89-109].

7. Appellant contends that she was not permitted to present argument on that motion, and that the motion was never heard or ruled upon, while Respondents' motion to dismiss, resting on the same absence of an expert affidavit, was granted. [ROA, pp. 7-9].

8. Respondents' Counterclaims against Appellant remain pending below. [ROA, pp. 7-9].

III. GROUNDS FOR REHEARING

A. The Order resolves a timeliness question, but its practical effect is to foreclose review of a motion that was never heard on its merits.

9. Appellant does not ask the Court to revisit its assessment of timeliness as such. Appellant respectfully submits, rather, that the timeliness inquiry and the consequence of the ruling are distinct, and that the latter may not have been squarely presented to the Court.

10. The Motion for Sanctions is not cumulative material. It is, on Appellant's account, the only document in which the reason for the missing expert affidavit was placed before the circuit court, and it is a motion that was never adjudicated. If it is not in the record on appeal, then the explanation for the very deficiency that terminated Appellant's case with prejudice will be absent from the record this Court reviews.

11. The result is that the dismissal will be reviewed as though no explanation was ever offered, when Appellant contends an explanation was offered, timely, in writing, and was simply not heard. Appellant respectfully submits that this is a consequence the Court may wish to weigh against the procedural lateness of her motion.

B. The Order permits the expert-affidavit issue to be used twice against Appellant — once to defeat her claims, and again in support of Respondents' Counterclaims.

12. This is the ground on which Appellant principally seeks rehearing.

13. The absence of an expert affidavit has already served as the basis for the dismissal of Appellant's claims with prejudice. Respondents' Counterclaims, however, remain pending, and Appellant anticipates that Respondents will rely upon the same affidavit issue — and the same underlying circumstances — in the litigation of those Counterclaims.

14. If the Motion for Sanctions is excluded from the record, Appellant will have no means of demonstrating, on appellate review, that Respondents participated in creating the very obstacle that produced the affidavit deficiency. The consequence is asymmetric: the affidavit issue operates as a sword in Respondents' hands twice over, while Appellant is procedurally barred from placing before this Court her contemporaneous explanation of its cause.

15. Appellant respectfully submits that a party ought not obtain the benefit of the same contention twice — first to secure a dismissal with prejudice, and then again in prosecuting counterclaims — where the opposing party's timely written response to that contention was never heard below and is now excluded from review above.

16. Appellant recognizes that this Court's July 22, 2026 Order addressed the procedural posture of her motions and did not purport to address the merits of the sanctions question. It is precisely for that reason that Appellant respectfully asks the Court to consider whether the exclusion of these two discrete items produces a result the Order did not intend.

C. Appellant's delay was occasioned by the hospitalization and death of her ninety-six-year-old mother, for whom she was the sole caregiver.

17. Appellant does not offer the following as an excuse for the procedural posture the Court has already identified, but as context relevant to the exercise of the Court's discretion.

18. Appellant was the sole caregiver for her ninety-six (96) year-old mother, who was hospitalized for approximately one month. Appellant's mother passed away on August 10, 2026. Since that time Appellant has been occupied with funeral and burial arrangements and the attendant family and estate matters. Documentation is attached hereto as Exhibit A.

19. Appellant is proceeding pro se and has attempted throughout to comply with the requirements of the appellate rules while discharging those caregiving obligations.

IV. THE RELIEF REQUESTED IS NARROW

20. Appellant does not seek to reopen the record generally, to add new evidence, or to expand the issues on appeal. Appellant seeks the inclusion of two discrete items only: (i) Appellant's Motion for Sanctions, and (ii) the transcript of the August 21, 2025 hearing.

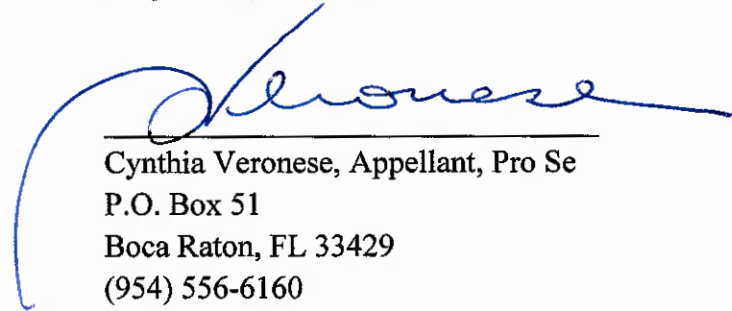
21. Both items were before the circuit court. Neither is new to Respondents, who were parties to the proceedings in which both arose and who have had the opportunity to respond to Appellant's motions on two prior occasions. Appellant respectfully submits that Respondents

would suffer no unfair surprise or material prejudice from their inclusion, and that any burden is modest when measured against the dismissal of Appellant's claims with prejudice.

22. In the alternative, and should the Court decline to amend the record, Appellant respectfully requests that the Court's ruling be without prejudice to Appellant's ability to argue in her final brief, on the basis of the existing record, that she was denied the opportunity to be heard on her Motion for Sanctions.

WHEREFORE, Appellant respectfully requests that this Court grant rehearing of its July 22, 2026 Order to the limited extent set forth above; permit the amendment of the record on appeal to include Appellant's Motion for Sanctions and the transcript of the August 21, 2025 hearing; and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



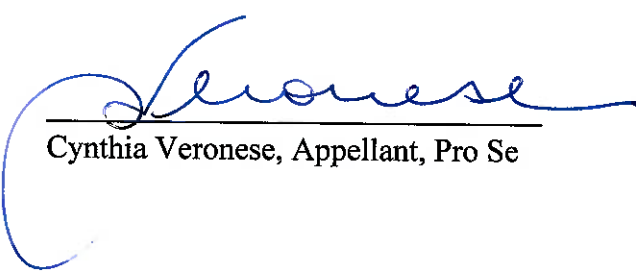
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Cynthiamv123@yahoo.com

August 27, 2026
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Cynthia Veronese, hereby certify that on this 27th day of August, 2026, I served a true and correct copy of the foregoing Appellant's Petition for Rehearing of the Court's Order Dated July 22, 2026, together with Exhibit A, upon counsel for Respondents by email and UPS tracking number 1Z2R3F650321022485 addressed as follows:

Ivon Keith McCarty, Esquire
768 St Andrews Blvd
Charleston, SC, 29407
Attorney for Respondents



Cynthia Veronese, Appellant, Pro Se

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SC Court of Appeals

EXHIBIT A



SFG

Serviço Funerário do Guarujá

Velório In Memoriam

NILZA FUSCO

A família de Nilza comunica aos parentes e amigos a realização do velório para homenagear seu legado, vida e história.

**Memorial
Litoral**

11 DE AGOSTO

R: Firmino
Jorge da
Costa Neto,
250 Jardim
Tejereba
Guarujá/SP

**INICIO VELORIO: 14:00
FINAL VELORIO: 16:00**

PARA COMPRA DE COROA DE FLORES LIGAR
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