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Aug 31 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2025-002567
Case No. 2025-CP-41-00100

Hugh Parks Price,

Appellants,

v.

Lisa Lee Molstad,

Respondent.

RESPONDENT'S RETURN TO APPELLANT'S
PETITION FOR REINSTATEMENT OF APPEAL

Respondent, Lisa Lee Molstad, respectfully submits this Return to Appellants' Petition for Reinstatement of Appeal filed by Appellant, Hugh Parks Price, on August 20, 2026. In support of this Return, Respondent states as follows:

On August 5, 2026, the Court of Appeals granted Respondent's motion to dismiss this appeal. The motion to dismiss was based on Appellant's failure to comply with the South Carolina Appellate Court Rules and the directive of the Court of Appeals' order of June 5, 2026, which granted Respondent's earlier motion to strike portions of Appellant's initial brief and designation of matter, and which required Appellant to serve and file an amended designation of matter and an amended initial brief within ten days of the date of

the order. Appellant did not comply and did not serve and file an amended initial brief and an amended designation by the June 15 deadline established by the June 5 order.

As recited in Respondent's Motion to Dismiss Appeal, incorporated herein by reference, after receiving a new address for Appellant, the Court of Appeals resent the June 5 order to Appellant at the new address on June 12. If the Court's action in resending the order could be argued to extend the ten-day period to June 22, Appellant also did not serve and file the required amended documents by that date. Documents purporting to be Appellant's amended documents were filed on June 22, 2026, but those documents were not signed by Appellant, who is acting *pro se* in this appeal. The purported amended designation of matter was unsigned, and the certificate of service for the amended designation was signed by Appellant's mother, Sandra Holmwood, as power of attorney for Appellant. The purported amended initial brief was similarly signed by Ms. Holmwood, and the certificate of service for the amended brief was unsigned. On June 24, 2026, the Court of Appeals determined Ms. Holmwood could not represent Appellant and returned the purported amended documents filed on June 22. To date, no amended initial brief or amended designation signed by Appellant has been served on Respondent or filed in the Court of Appeals.

The motion to dismiss explained the procedural history of this matter and multiple failures by Appellant to comply with the South Carolina Appellate Court Rules and the June 5 order's directive to serve and file an amended initial brief and an amended designation within ten days.

The Court's order of dismissal was based on two separate grounds: (1) Appellant's failure to comply with a March 31, 2026, order that required Appellant to provide status

updates in writing every thirty days; and (2) Appellant's failure to comply with the June 5, 2026,¹ order and later letter from the Court.

Appellant has now filed a petition for reinstatement of the appeal. That document is entitled "Appellant's Petition for Rehearing and for Reinstatement of Appeal." Respondent is mindful of the provision of Rule 221(a), SCACR, that disallows a return to a petition for rehearing unless requested by the Court. However, no such restriction is contained in Rule 260(a), SCACR, governing involuntary dismissal and reinstatement. Accordingly, Respondent files this return to Appellant's petition insofar as it seeks reinstatement of the appeal.

Appellant challenges the dismissal order's statement that Appellant has not provided any status updates, and he notes status updates filed April 27 and June 1. Although the dismissal order may have incorrectly stated Appellant failed to provide "any" status updates, it nonetheless properly dismissed the appeal because Appellant did not comply with the requirement that he provide such updates in writing every thirty days. The order of March 31 stated:

Appellant shall provide this court with status updates in writing every thirty days. Appellant's failure to provide this court with status updates every thirty days . . . will result in dismissal of this appeal.

Under the plain language of this order, four written updates were required between the date of issuance of the order, March 31, and the date of the dismissal order, August 5. While the language in the dismissal order may have been technically incorrect in including the word "any," Appellant's failure to comply with the every-thirty-days requirement was an appropriate basis for dismissal of the appeal. The Court should not reinstate the appeal

¹ The order of dismissal mistakenly referred to the order's date as June 4, 2026.

merely because Appellant can point to two status updates, where he did not comply with the every-thirty-days requirement of the March 31 order.

Appellant also challenges the dismissal order on the ground that he did not comply with the June 5 order's directive to serve and file an amended initial brief and amended designation of matter within ten days. He claims he "reasonably understood the appeal to be held in abeyance and was surprised to receive an Order of Dismissal rather than a ruling on the pending motion to strike." *See* Petition, p. 2, ¶ 5. This explanation cannot be believed. In fact, prior to the entry of the order of dismissal on August 5, 2026, Appellant had his mother file for him the purported amended initial brief and amended designation of matter, as contemplated by the order issued June 5, 2026. The purported amended documents were filed June 22, 2026. Appellant would not have prepared amended documents had he not known of the Court's earlier order that struck portions of his initial brief and designation and that directed the filing of amended documents. In light of the June 22 filings, it is simply not credible, as Appellant claims, that he thought the appeal was still in abeyance and that he was awaiting a ruling on the motion to strike when he received the order of dismissal.

Rule 260(a), SCACR, addresses non-compliance with the Appellate Court Rules and provides the standard for reinstating an appeal following dismissal due to non-compliance:

Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties.

See Rule 260(a), SCACR. Appellant has repeatedly failed to comply with the Appellate Court Rules, as set out in Respondent's Motion to Dismiss Appeal. Appellant has also failed to comply with the directives of the Court's orders of March 31 and June 5, 2026. He failed to provide status updates in writing every thirty days, as required by the March 31 order. He failed to serve and file an amended initial brief and amended designation of matter within ten days, as required by the June 5 order. As noted in the motion to dismiss and as established by authorities cited in that motion, *pro se* litigants are held to the same standard as attorneys and are required to comply with the Court's procedural requirements. Appellant failed to do so. The Court properly dismissed this appeal on both bases.

Appellant has fabricated an excuse, claiming he believed the appeal to be in abeyance and was surprised to receive the order of dismissal rather than a ruling on the pending motion to strike. In fact, he clearly knew of the ruling on the motion to strike – without such knowledge, he would not have submitted on June 22 the amended documents contemplated by the June 5 order that granted the motion to strike and directed filing of amended documents. His claim is not credible. A false excuse does not satisfy the requirement of a showing of good cause, as required for reinstatement under Rule 260(a), SCACR. The Court should deny the motion to reinstate this appeal.

Respectfully submitted,



Ralph Nichols Riley, Jr.
Moore Bradley Myers Law Firm, PA
110 South Main Street
Saluda, South Carolina 29138
Telephone: (864) 445-4544
South Carolina Bar No. 78741

Attorney for Respondent

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Sandra Holmwood and Hugh Price,

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v.

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PROOF OF SERVICE

I hereby certify that I have served the Respondent's Return to Appellant's Petition for Reinstatement of Appeal on August 31, 2026, by United States mail, addressed as follows:

Mr. Hugh Price
187 Spruce Road
Ward, SC 29166

Hugh Parks Price
2465 Pine Grove Road, Lot D
Ward, SC 29166

Hugh Parks Price
2465 Lot C Pine Grove Road
Ward, SC 29166

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Moore Bradley Myers Law Firm, PA

A handwritten signature in blue ink, appearing to read "Karen Kaminer", is written over a horizontal line.

Karen B. Kaminer

Legal Assistant

Moore Bradley Myers Law Firm, PA

110 South Main Street

Saluda, South Carolina 29138

Telephone: (864) 445-4544