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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY
Court of Common Pleas

Honorable Walton J. McLeod, IV, Circuit Court Judge

Case No. 2025-CP-41-00150

Appellate Case Number: 2026-001043

Hugh Parks Price.....Appellant,

v.

Rebecca Bartley,Respondent.

MOTION TO DISMISS

William H. Davidson, II
John P. Grimes, Jr.
Davidson & Wren, P.A.
1611 Devonshire Drive, Second Floor
Columbia, South Carolina 29202
(803)806-8222
Attorneys for Respondent

Respondent, by and through her undersigned counsel, hereby moves for dismissal of this appeal. The grounds for such dismissal are as follows:

PROCEDURAL HISTORY

Appellant initially filed this appeal on April 27, 2026, appealing the dismissal of his Complaint for failure to properly serve Respondent. *See* Notice of Appeal. Notably, that dismissal was without prejudice, and Appellant had already re-filed a lawsuit against Respondent on April 9, 2026. *See Parks v. Bartley*, 2026-CP-41-00059, April 9, 2026. Thereafter, the Court entered an order dismissing the appeal for failure to follow Rules 207, 208, and 209 of the South Carolina Appellate Court Rules on July 6, 2026. *See* Order, July 6, 2026. Following that dismissal, Plaintiff now seeks to reinstate his appeal, filing a motion to do so along with an informal brief on July 31, 2026. *See* Appellant's Motion to Reinstate Appeal; *see* Initial Brief of Appellant.

ARGUMENT

For the reasons stated herein, Respondent moves for the dismissal of this appeal.

I. The appeal is moot.

The instant appeal is moot. “Where the questions presented by an appeal are moot, the appeal will be dismissed.” *Schein v. Lamar*, 284 S.C. 252, 255, 325 S.E.2d 573, 574 (Ct. App. 1985). “A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court.” *Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 26, 630 S.E.2d 474, 477 (2006).

As previously stated, the trial court dismissed Appellant’s case without prejudice. Before filing his appeal in this case, Appellant filed another complaint against Respondent which covers the same subject matter as the instant case. *See* Complaint; *see Parks*, 2026-CP-41-00059. As such, Appellant’s claim is already before the trial court under a different case caption, and reversing the trial court’s dismissal of his case would have no practical effect. Accordingly, the appeal is moot, and dismissal is appropriate.

II. Appellant has not followed the proper procedure for the reinstatement of his appeal.

Appellant’s request is untimely and facially deficient. Rule 260 is unambiguous that “[t]he clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the

appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).” SCACR 260(a). Appellant candidly admits the deadline for the Court to have received his motion to reinstate was July 21, 2026, ten days before the filing of his motion. Given that his motion was improper, as it was not received within the fifteen required by SCACR 260, the appeal should be dismissed.

III. The appeal contains frivolous matters under SCACR 269 and/or Appellant has failed to adequately comply with SCACR 208.

The appeal and/or informal brief filed by Appellant is frivolous and/or fails to adequately comply with SCACR 208. . “[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State.” *Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992).

Though Appellant’s brief facially appears to contain coherent arguments and all the elements listed in SCACR 208, Appellant has failed to comply in substance with the requirements of subsections (1)(A) and (1)(E), namely in that Appellant’s brief contains numerous citations to apparently non-existent authorities. Specifically, according to a Westlaw search of Appellant’s citations, neither of the final two citations put forth by Appellant to *Lawson v. Family Dollar Stores* and *R.F.P. v. S.C.*

Dep't of Soc. Servs. appear to be legitimate citations. Rather, those citations appear more consistent with “hallucinated” citations to non-existent cases, a common result of documents drafted with generative artificial intelligence. SCACR 269 states the Court may impose sanctions against a party for filing frivolous motions. SCACR 208(1)(A) requires “a table of cases . . . and other authorities cited[.]” Given that both Appellant’s table of contents and argument section of his appeal cite to non-existent authorities, Appellant has substantially failed to comply with the requirements of SCACR 208 and 269. As such, Respondent contends dismissal of the appeal is proper.

IV. Motion to suspend and/or enlarge.

In conjunction with this motion to dismiss, Respondent asks that the briefing deadlines for initial briefing be suspended and/or otherwise extend, such that, should the Court deny this motion to dismiss, Respondent’s initial brief will be due seven (7) days after the disposition of this motion.

[Signature page to follow.]

DAVIDSON & WREN, P.A.

BY: s/John P. Grimes, Jr.

WILLIAM H. DAVIDSON, II ID #1558

JOHN P. GRIMES, JR. ID #105212

1611 Devonshire Drive, 2nd Floor

Post Office Box 8568 (29202)

Columbia, South Carolina 29204

wdavidson@dml-law.com

jgrimes@dml-law.com

T: 803-806-8222

F: 803-806-8855

Counsel for Respondent

Columbia, South Carolina

August 31, 2026