

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2025-002429

Lower Court Case No. 2022-CP-23-00240

RECEIVED
Aug 28 2026
SC Court of Appeals

DiscoverFresh Foods, Inc.....Respondent,

v.

Jesus Concepcion, Kendry S. Tavarez a.k.a. Kendry Solange Feliz, and National Risk
Solutions, LLC, Defendants, of which Jesus Concepcion is the Appellant.

**RESPONDENT’S MOTION REQUESTING PERMISSION FOR THE COURT’S
CONSIDERATION OF RESPONDENT’S FINAL BRIEF OUTSIDE THE FILING
DEADLINES**

Pursuant to Rule 240 of the South Carolina Appellate Rules (“SCACR”), Respondent DiscoverFresh Foods, Inc. (“Respondent”) respectfully requests permission and moves for the Court to consider Respondent’s Final Brief, which upon information and belief was served outside the filing deadlines set by Rule 211, SCACR. Respondent respectfully submits the following in support of this Motion.

On June 9, 2026, Appellant submitted the initial Record on Appeal. On July 13, 2026, the Court of Appeals sent a letter to Appellant *pro se* indicating that there were deficiencies in the Record on Appeal. On July 23, 2026, Appellant filed the Amended Record on Appeal, which changed the page numbers of the Record on Appeal along with a letter indicating that he was incarcerated and requested leave to file the corrected record belatedly. Respondent did not object

to same out of courtesy and recognition of the fact that Appellant was incarcerated. Respondent has only been in receipt of the Final Record of Appeal, via e-mail, since July 23, 2026 and was waiting on same to submit its Final Brief so that Respondent's Final Brief matched the Final Amended Record on Appeal.

Appellant's letter with the Amended Record on Appeal providing a complete record indicated that the pagination for the record had changed. Furthermore, Respondent has never received a paper copy of the Final Brief via mail. Upon review of the Amended Record on Appeal, there are documents referenced in Respondent's Brief that were not included in the Amended Record on Appeal.

By way of example, Respondent's Initial Brief references the letter in which Appellant attempted to make a pro se appearance but acknowledged he was notified of the Order for Entry of Default that Respondent referenced in its Initial Brief on page 5 and dated December 21, 2023, which was included in Respondent's Designation of Matter to be Included on Appeal, which was not included in Appellant's Record on Appeal, and which Respondent was waiting to see if they were corrected in the Amended Record on Appeal. (See Respondent's Initial Brief, p. 3.)

On August 6, 2026, counsel for Respondent called the Clerk of Court at the Court of Appeals to confirm the deadline for Respondent to file its final brief and was at that time informed that the brief was late. The Clerk of Court subsequently sent counsel for Respondent a letter confirming same. The same day, counsel for Respondent filed its Final Brief and served it upon Appellant along with a letter explaining its misunderstanding and requesting the Court consider its Final Brief.

Respondent respectfully requests and moves the Court consider its Final Brief and apologizes for any misunderstanding or confusion on the filing deadlines due to the amendments of the Record on Appeal by Appellant.

Respondent recently received notice by the Court that Appellant also missed its filing deadline for its Final Reply Brief and does not object to the Court's consideration of same.

Respectfully submitted,

TIMMONS BROGDON LAW FIRM, LLC

By: /s/Sarah Anderson Timmons
Sarah Anderson Timmons [SC Bar # 100007]
25 Delano Drive, Suite E
Greenville, SC 29601
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***Counsel for Respondent DiscoverFresh Foods,
Inc.***

Greenville, South Carolina
August 28, 2026

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2025-0024299

Lower Court Case No. 2022-CP-23-00240

DiscoverFresh Foods, Inc.....Respondent,

v.

Jesus Concepcion, Kendry S. Tavarez a.k.a. Kendry Solange Feliz, and National Risk
Solutions, LLC, Defendants, of which Jesus Concepcion is the Appellant.

PROOF OF SERVICE

Pursuant to SCACR Rule 262(c)(3), I certify that I have caused the **Respondent's Motion Requesting Permission for the Court's Consideration of Respondent's Final Brief Outside the Deadlines** to be served upon the following Appellant of record by email address of record, U.S. Mail, and FedEx and Supreme Court Order dated May 29, 2020, addressed as follows:

Jesus Concepcion, 524137-A5-38
Spartanburg County Detention Center
950 California Avenue
Spartanburg, South Carolina 29303
solangefeliz07@gmail.com

(Signature Page Follows)

TIMMONS BROGDON LAW FIRM, LLC

By: /s/ Sarah Anderson Timmons

Sarah Anderson Timmons [SC Bar # 100007]

25 Delano Drive, Suite E

Greenville, SC 29601

Telephone: (864) 906-0289

sarah@timmonsbrogdon.com

***Counsel for Respondent DiscoverFresh Foods,
Inc.***

Greenville, South Carolina

August 28, 2026

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SC Court of Appeals

PO. BOX 9583
GREENVILLE, SC 29604
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August 28, 2026

South Carolina Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

VIA U.S. Mail & E-Mail at solangefeliz07@gmail.com

RE: *DiscoverFresh Foods, Inc., Respondent v. Jesus Concepcion, Respondent*,
Appellate Ca. No. 2025-00249
Lower Court Case No. 2022-CP-23-00240

Dear Clerk of Court,

Enclosed please find a copy of Respondent's Motion, which was filed on August 8, 2026 along with a check for the Motion filing fee. Also, in response to Appellant's correspondence requesting confirmation of a mailing address, counsel for Respondent confirms that Appellant can mail all filings to P.O. Box 9583, Greenville, SC 29604.

Very truly yours,



SARAH TIMMONS

CC: Jesus Concepcion
Enclosures:
Respondent DiscoverFresh Foods, Inc.'s Motion
Proof of Service