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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2026-000911

MEMORANDUM IN SUPPORT OF:
APPELLANT'S MOTION TO REINSTATE APPEAL

NOW COMES THE APPELLANT, by and through her undersigned counsel of record and respectfully moves before the Court this *Memorandum of Law in Support of: Appellant's Motion to Reinstate Appeal*. The Appellant is asking the Court to reinstate this Appeal and reverse its dismissal, filed on September 1, 2026.

Introduction

On August 19, 2026, the Appellant filed her *Initial Brief of Appellant* by and through her undersigned counsel. The Clerk of Court notified the Appellant of a deficiency (missing designation of matter), giving the Appellant ten (10) days to come into compliance. During this ten (10) day period, counsel for the Appellant faced an outpatient surgical procedure. This medical event was unavoidable and caused unanticipated disruption in the filing of Appellant's designation of matter. Counsel for the Appellant has faced a string of unforeseen medical complications since

February 4th, 2026 and has been under close physician supervision since undergoing open heart valve replacement surgery on March 11, 2026. The counsel's six months of strict physician supervision will end on September 11, 2026. Counsel for the Appellant apologizes for this disruption and expects no further medical interference in this case.

Standard for Reinstatement

Rule 260 of SCACR grants the court the authority to reinstate cases that have been dismissed due to deficiencies, when good cause is shown and all parties are notified. A motion to reinstate must be submitted within fifteen (15) days of the filing of the court's dismissal.

In *Lowry v. Atl. Coast Line R. Co.*, 91 S.C. 350, 74 S.E. 753 (1912), Appellant's were granted reinstatement when their appeal was dismissed for failure to file printed cases on time. Reinstatement was granted because the Appellant's counsel faced sudden illness that interfered with the deadlines. Appellants argued that missing the filing deadline due to sudden illness was "excusable neglect" and good cause for reinstatement. The court accepted Appellant's argument. The Appellants were ordered to rectify their deficiencies within ten (10) days of reinstatement.

Argument

The Counsel for the Appellant brings forth this *Motion to Reinstate Appeal* due to an unavoidable, good cause delay. Counsel has acted promptly in resolving this deficiency and subsequent dismissal, as to avoid any prejudice to the Appellee. Counsel for the Appellant is filing the necessary *Designation of Matter*, *Motion for Reinstatement of Appeal*, and *Memorandum in Support of Appellant's Motion for Reinstatement of Appeal* altogether, within 48 hours of the court dismissing the appeal.

Prayer for Relief

WHEREFORE, Appellant respectfully requests that this Honorable Court reverse its September 1, 2026 dismissal and reinstate this appeal due to good cause shown, so that it may be tried on merit.

/s/ F. Milton Mann, Jr. Esq
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September 3, 2026

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PROOF OF SERVICE OF MEMORANDUM IN SUPORT OF APPELLANT'S MOTION TO REINSTATE APPEAL

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APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2026-000911

James S. Blanton, Respondent,

v.

Charity Lynn Miller, Appellant.

PROOF OF SERVICE

I certify that I have served the *Memorandum in Support of: Appellant's Motion to Reinstate Appeal* on James S. Blanton through his attorney of record Chad Pye, Esq via email to cpye@chadpye.com, on September 3rd, 2026.

September 3rd, 2026

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