

RECEIVED

Sep 08 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM AIKEN COUNTY
The Honorable Courtney Clyburn Pope, Circuit Court Judge
Trial Court Case No. 2026CP0200515

Appellate Case No. 2026-001392

Joel Morris as Personal Representative of the Estate of Carmen Morris,
Respondent,

v.

NHC Healthcare-North Augusta, LLC; NHC-OP, LP, National Health Corporation, National
Healthcare Corporation, and Bradley Morehouse,
Appellants.

**RESPONDENT'S MOTION TO DISMISS APPEAL FOR FAILURE TO SERVE AND
FILE INITIAL BRIEF AND DESIGNATION OF MATTER**

(signatures on following page)

/s/ Stefan B. Feidler

Stefan B. Feidler, Esquire
SC Bar No. 101918
Feidler Law Firm, LLC
1855 Long Creed Rd
Wadmalaw Island, SC 29487
(843) 790-9015
Stefan@feidlerlawfirm.com

Attorney for Respondent

September 8, 2026

Other Counsel of Record

R. Wilder Harte, Esquire
Lauren Ashlee Woods, Esquire
Ashwin Ray Sanzgiri, Esquire
Richardson Plowden & Robinson, P.A.
P.O. Drawer 7788
Columbia, SC 29202
wharte@richardsonplowden.com
woods@richardsonplowden.com
asanzgiri@richardsonplowden.com

Attorneys for Appellants

INTRODUCTION

Appellants' initial brief and designation of matter were due on September 2, 2026, under an extension this Court granted at Appellants' own request. That deadline has passed. Appellants have not served Respondent with an initial brief or a designation of matter, have not sought a further extension, and have not otherwise communicated with Respondent regarding the default. Under Rules 208(a)(4) and 260(a), SCACR, the appeal must be dismissed. Respondent respectfully moves this Court for an order dismissing the appeal.

PROCEDURAL BACKGROUND

On June 16, 2026, the Honorable Courtney Clyburn Pope entered the Order denying the Appellants Rule 59(e) Motion to Reconsider, from which Appellants appeal in Aiken County Case No. 2026CP0200515. Appellants served their notice of appeal on June 19, 2026, and this Court docketed the matter as Appellate Case No. 2026-001392.

By letter to the Clerk dated July 6, 2026, Appellants' counsel advised the Court that Appellants received the transcript of the May 7, 2026 hearing on July 3, 2026, and that Appellants' initial brief and designation of matter were therefore due on or before August 3, 2026. Ex. A at 1. In the same letter, Appellants requested a thirty-day extension, stating that the extension was necessary "due to the undersigned's current workload" and that it was their first such request. *Id.*

This Court granted that request by order filed July 7, 2026, which provides in full that "[t]he time for serving and filing the initial brief of appellant and designation of matter is hereby extended until September 2, 2026." Ex. B at 1. The order set no further conditions and contemplated no additional extension.

Appellants did not serve an initial brief or a designation of matter on or before September 2, 2026. As of the filing of this Motion, Respondent has received nothing from Appellants: no brief, no designation of matter, no motion for a further extension, and no notice of any circumstance said to excuse the default.

APPLICABLE RULES

Rule 208(a)(1), SCACR, provides that “[w]ithin thirty (30) days after receiving the transcript ... appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service.” Rule 209(a), SCACR, requires that the designation of matter to be included in the record on appeal be served “[a]t the same time a party serves his initial brief(s) under Rule 208.”

The consequence of a failure to meet that deadline is stated in mandatory terms. “Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court *shall* sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260.” Rule 208(a)(4), SCACR (*emphasis added*). Rule 260(a), SCACR, is to the same effect: “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.” (*emphasis added*).

The appellate courts of this State have recognized that the right to appeal is forfeited by precisely this default. Finally, Rule 240(b), SCACR, provides that “[u]nless otherwise provided by these Rules, or ordered by the appellate court, the time limits imposed by these Rules shall

not be stayed by the filing of a motion or petition.” Nothing tolled Appellants’ September 2, 2026 deadline.

ARGUMENT

The operative facts are not in dispute and require no development. Appellants told this Court when their brief was due. Appellants asked this Court for more time. This Court gave Appellants exactly the additional time they asked for. Appellants then let the extended deadline pass without serving or filing anything and without asking for anything further. Rules 208(a)(4) and 260(a), SCACR, direct that the appeal be dismissed on that record.

The extension Appellants obtained is significant for two reasons. First, it forecloses any suggestion that Appellants were unaware of the deadline or misapprehended when it ran: Appellants themselves calculated the original August 3, 2026 date and proposed the September 2, 2026 date, and this Court adopted their proposal verbatim. Second, the ground Appellants offered for the first extension—counsel’s workload—was already accommodated by the thirty additional days they received. An appellant who has been given the relief it requested, on the ground it advanced, and who then defaults anyway, has not been treated harshly by the enforcement of Rule 208(a)(4).

Nor is the default a technicality without consequence. Respondent is the Power of Attorney for Carmen Morris, who is alive but under skilled nursing care. Every day this appeal remains pending is a day in which Carmen Morris is denied her right to a jury trial. The deadlines in Rules 208 and 209 exist to prevent exactly this kind of open-ended delay.

Should Appellants respond to this Motion by tendering a belated brief or by seeking reinstatement, Rule 260(a), SCACR, places the burden on them to show good cause, after notice to all parties. Respondent respectfully submits that any such showing must be made in the first

instance by Appellants, supported by affidavit, and that Respondent should be afforded an opportunity to reply to it. A brief served after the fact does not itself supply the good cause Rule 260(a) requires.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court dismiss the appeal pursuant to Rules 208(a)(4) and 260(a), SCACR, and grant such other and further relief as the Court deems just and proper. Respondent further intends, should dismissal occur, to seek costs pursuant to Rule 222, SCACR.

Respectfully submitted,

s/ Stefan B. Feidler
Stefan B. Feidler, Esquire
SC Bar No. 101918
Feidler Law Firm, LLC
1855 Long Creed Rd
Wadmalaw Island, SC 29487
(843) 790-9015
Stefan@feidlerlawfirm.com

Attorney for Respondent

Wadmalaw Island, South Carolina
September 8, 2026

RECEIVED

Sep 08 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appellate Case No. 2026-001392

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I served a copy of Respondent's Motion to Dismiss Appeal for Failure to Serve and File Initial Brief and Designation of Matter, together with the exhibits thereto, on the following counsel of record by electronic mail and by placing a copy in the United States mail, first-class postage prepaid, addressed as follows:

R. Wilder Harte, Esquire
Lauren Ashlee Woods, Esquire
Ashwin Ray Sanzgiri, Esquire
Richardson Plowden & Robinson, P.A.
P.O. Drawer 7788
Columbia, SC 29202
wharte@richardsonplowden.com
woods@richardsonplowden.com
asanzgiri@richardsonplowden.com

Attorneys for Appellants

s/ Stefan B. Feidler
Stefan B. Feidler, Esquire
SC Bar No. 101918
Feidler Law Firm, LLC
1855 Long Creed Rd
Wadmalaw Island, SC 29487
(843) 790-9015
Stefan@feidlerlawfirm.com

Attorney for Respondent

Wadmalaw Island, South Carolina
September 8, 2026

EXHIBIT

A



COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202
1900 Barnwell St., Columbia, SC 29201 P 803.771.4400 F 803.779.0016

MYRTLE BEACH 2103 Farlow St., Myrtle Beach, SC 29577 P 843.448.1008 F 843.448.1533

CHARLESTON P.O. Box 21203 • Charleston, SC 29413
235 Magrath Darby Blvd., Mount Pleasant, SC 29464 P 843.805.6550 F 843.805.6599

www.RichardsonPlowden.com

RECEIVED

Jul 06 2026

REPLY TO: Columbia

E-Mail: asanzgiri@richardsonplowden.com

Direct Dial: (803) 576-3732

July 6, 2026 **SC Court of Appeals**

Filed via e-mail (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Joel Morris as Power of Attorney for Carmen Morris, Respondent v. NHC Healthcare-North Augusta, LLC; NHC-OP, LP, National Health Corporation, National Health Corporation, and Bradley Morehouse, Appellants*
Appellate Case No. 2026-001392

Dear Ms. Kitchings:

I am writing to inform the Court that our office is in receipt of the transcript of the May 7, 2026 hearing. We received the transcript on July 3, 2026. Therefore, our calculations indicate that the Initial Appellant's Brief and Designation of Matter to be included in the Record on Appeal on behalf of Appellants are currently due on or before Monday, August 3, 2026.

As noted in the accompanying Motion, we respectfully request a 30-day extension of time in which to serve and file our Initial Appellant's Brief and Designation of Matter to be included in the Record on Appeal. With a 30-day extension, they would be due on Wednesday, September 2, 2026. We find it necessary to request this extension due to the undersigned's current workload. This is our first request for an extension of time to serve and file the Initial Appellant's Brief and Designation of Matter.

We will provide the Court the \$50 filing fee for the accompanying Motion within five business days.

We have copied counsel for the Respondent on this correspondence. We appreciate the Court's continued time and consideration of this matter.

Sincerely,

A blue ink signature of Ashwin R. Sanzgiri, written in a cursive style.

Ashwin R. Sanzgiri

/ars

cc: South Carolina Office of Court Administration (via email)
Stefan B. Feidler, Esq. (via email)
R. Wilder Harte, Esq. (via email)

RECEIVED

Jul 06 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County
Court of Common Pleas
The Honorable Courtney Clyburn Pope, Circuit Court Judge

Civil Action No. 2026-CP-02-00515
Appellate Case No. 2026-001392

Joel Morris as Power of Attorney for Carmen
Morris.....**RESPONDENT,**

v.

NHC Healthcare-North Augusta, LLC; NHC-OP, LP, National Health Corporation, National
Healthcare Corporation, and Bradley Morehouse.....**APPELLANTS.**

MOTION FOR EXTENSION OF TIME

The Initial Brief and Designation of Matter to be Included in the Record on appeal of Appellants NHC Healthcare-North Augusta, LLC; NHC-OP, LP, National Health Corporation, National Healthcare Corporation, and Bradley Morehouse are currently due on August 3, 2026. The Appellants respectfully request the Court grant an extension of 30 days, or through September 2, 2026, to serve and file the Initial Brief and Designation of Matter. This is Appellants' first such request in this matter.

Counsel for Appellants request this extension due to their current workload, including preparation for other hearings and work on other matters prior to the current deadline. Counsel for Appellants contacted counsel for Respondent via telephone prior to the filing of this Motion. Counsel for Respondent indicated they would not oppose this request.

Accordingly, Appellants NHC Healthcare-North Augusta, LLC; NHC-OP, LP, National

Health Corporation, National Healthcare Corporation, and Bradley Morehouse respectfully request a 30-day extension of time to file their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Respectfully Submitted,

s/ Ashwin Sanzgiri

R. Wilder Harte (S.C. Bar No. 101228)
Lauren A. Woods (S.C. Bar No. 107815)
Ashwin R. Sanzgiri (S.C. Bar No. 105198)
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street
Columbia, South Carolina 29201
Tel.: (803) 771-4400
wharte@richardsonplowden.com
lwoods@richardsonplowden.com
asanzgiri@richardsonplowden.com

**Attorneys for Appellants NHC Healthcare-North
Augusta, LLC; NHC-OP, LP, National Health
Corporation, National Healthcare Corporation,
and Bradley Morehouse**

July 6, 2026.

RECEIVED

Jul 06 2026

SC Court of Appeals

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Defendants, NHC Healthcare-North Augusta, LLC; NHC-OP, LP, National Health Corporation, National Healthcare Corporation, and Bradley Morehouse, do hereby certify that I have this date served the foregoing **Motion for Extension of Time** pursuant to Section (d)(1) of the Supreme Court's Order dated April 24, 2024 on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

Stefan B. Feidler (S.C. Bar No. 101918)
Feidler Law Firm, LLC
P.O. Box 128
Wadmalaw Island, SC 29487
stefan@feidlerlawfirm.com

Counsel for Plaintiff Joel Morris as Power
of Attorney for Carmen Morris

s/ Ashwin Sanzgiri
Ashwin R. Sanzgiri (S.C. Bar No. 105198)
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street
Columbia, South Carolina 29201
Tel.: (803) 771-4400
wharte@richardsonplowden.com
lwoods@richardsonplowden.com
asanzgiri@richardsonplowden.com

**Attorneys for Appellants NHC Healthcare-North
Augusta, LLC; NHC-OP, LP, National Health
Corporation, National Healthcare Corporation,
and Bradley Morehouse**

July 6, 2026

EXHIBIT

B

The South Carolina Court of Appeals

Joel Morris as Personal Representative of the Estate of
Carmen Morris, Respondent,

v.

NHC Healthcare-North Augusta, LLC; NHC-OP, LP,
National Health Corporation, National Healthcare
Corporation, and Bradley Morehouse, Appellants.

Appellate Case No. 2026-001392

The Honorable Courtney Clyburn Pope
Aiken County
Trial Court Case No. 2026CP0200515

ORDER

The time for serving and filing the initial brief of appellant and designation of matter is hereby extended until September 2, 2026.

FOR THE COURT
BY Jasmine D. Smith, Deputy
CLERK

Columbia, South Carolina

cc:

Robert Wilder Harte, Esquire
Ashwin Ray Sanzgiri, Esquire
Lauren Ashlee Woods, Esquire
Stefan Bjorn Feidler, Esquire

FILED
Jul 07 2026

September 8, 2026

Filed via e-mail (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629 Columbia, SC 29211

RE: Joel Morris as Power of Attorney for Carmen Morris, Respondent v. NHC
Healthcare-North Augusta, LLC; NHC-OP, LP, National Health Corporation,
National Health Corporation, and Bradley Morehouse, Appellants
Appellate Case No. 2026-001392

Dear Ms. Kitchings:

I write on behalf of Respondent to advise the Court that Appellants have not served or filed their initial brief and designation of matter.

By letter dated July 6, 2026, Appellants advised the Court that they received the transcript of the May 7, 2026 hearing on July 3, 2026, and requested a thirty-day extension of the resulting August 3, 2026 deadline. By order filed July 7, 2026, the Court extended the time for serving and filing the initial brief of appellant and designation of matter until September 2, 2026.

That date has passed. Respondent has not been served with an initial brief or a designation of matter, and Appellants have not sought a further extension. Rule 208(a)(4), SCACR, provides that upon an appellant's failure to file and serve a brief within the time prescribed, "the clerk of the appellate court shall sign an order dismissing the appeal." *See also* Rule 260(a), SCACR. Respondent respectfully requests that the Clerk enter an order of dismissal accordingly.

Respondent has enclosed his Motion to Dismiss. We will provide the Court the \$50 filing fee for the accompanying Motion within five business

Sincerely,

Stefan B. Feidler

Stefan B. Feidler

Attorney for Respondent



Enclosure

cc: South Carolina Office of Court Administration (*via email*)
R. Wilder Harte, Esq. (*via email*)
Ashwin R. Sanzgiri, Esq. (*via email*)
Lauren A. Woods (*via email*)

