

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

109288

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SEP 10 2026

SC Court of Appeals

Hugh Parks Price,

Appellant,

v.

Rebecca Bartley,

Respondent.

MOTION FOR LEAVE TO FILE CORRECTED INITIAL BRIEF OF APPELLANT

Appellant Hugh Parks Price, appearing pro se, respectfully moves this Court pursuant to Rules 208 and 240, SCACR, for leave to file a Corrected Initial Brief of Appellant. This motion is filed contemporaneously with Appellant's Return in Opposition to Respondent's Motion to Dismiss. In support of this motion, Appellant states as follows:

1. By Order filed September 9, 2026, this Court granted Appellant's motion to reinstate this appeal, accepted the Initial Brief of Appellant and Designation of Matter as filed, and directed Appellant to serve those documents on Respondent within ten days and to provide proof of service.
2. Respondent's Motion to Dismiss, filed August 31, 2026, identifies two case citations in the Initial Brief that Respondent contends do not exist.

3. Appellant has independently verified both citations against the reporters and confirms that Respondent is correct. Neither *Lawson v. Family Dollar Stores, Inc.*, 387 S.C. 368, 692 S.E.2d 656 (Ct. App. 2010), nor *R.F.P. v. S.C. Department of Social Services*, 417 S.C. 419, 790 S.E.2d 11 (Ct. App. 2016), corresponds to any decision of any court. Appellant withdraws both citations and accepts responsibility for having filed a brief containing authorities he had not verified.

4. Appellant seeks leave to file a Corrected Initial Brief limited to the following changes:

(a) Removal of both defective citations from the Table of Authorities and from the body of the brief;

(b) Substitution, for the withdrawn R.F.P. citation, of *Stark Truss Co. v. Superior Construction Corp.*, 360 S.C. 503, 602 S.E.2d 99 (Ct. App. 2004), *Thynes v. Lloyd*, 294 S.C. 152, 363 S.E.2d 122 (Ct. App. 1987), and *Wetzel v. Woodside Development Ltd. Partnership*, 364 S.C. 589, 615 S.E.2d 437 (2005), which establish that entry of default under Rule 55(a), SCRCP, is a ministerial act the clerk is required to perform once default is shown by affidavit;

(c) Substitution, for the withdrawn Lawson citation, of Rule 12(h)(1), SCRCP, *Dunbar v. Vandermore*, 295 S.C. 493, 369 S.E.2d 150 (Ct. App. 1988), and *Smalls v. Weed*, 291 S.C. 258, 353 S.E.2d 154 (Ct. App. 1987), together with a corresponding narrowing of the argument in Issue II and a conforming revision to the statement of that issue. Appellant discloses that his own verification established that the broader proposition stated in the filed brief is not supported by South Carolina law following the adoption of the Rules of Civil Procedure, and the corrected brief is confined to the narrower ground the authorities do support;

(d) Removal of *Crowder v. Franklin*, No. 2005-UP-588 (S.C. Ct. App. Nov. 17, 2005). Rule 268(d)(2), SCACR, provides that unpublished opinions have no precedential value and should not be cited except in proceedings in which they are directly involved. Appellant identifies this defect on his own initiative; Respondent has not raised it. The proposition the citation was offered to support is established by *Hafer v. Melo*, 502 U.S. 21 (1991), and *Kentucky v. Graham*, 473 U.S. 159 (1985), which the brief already cites; and

(e) Completion of two bracketed placeholders that remained in the brief as filed, concerning the date and the specific language of the Order of Dismissal entered by the Honorable Walton J. McLeod, IV. Appellant likewise identifies these on his own initiative.

5. The Corrected Initial Brief raises no new issue on appeal. Issues I, III, and IV are unchanged. The statement of Issue II is conformed to the narrowed argument described in paragraph 4(c). The Statement of the Case is unchanged except for completion of the placeholders identified in paragraph 4(e). No argument is added and the scope of the appeal is not enlarged.

6. Respondent will suffer no prejudice. Respondent's brief is not yet due, and Respondent has itself asked this Court to set its brief seven days after disposition of the motion to dismiss. Appellant will serve the Corrected Initial Brief and Designation of Matter on Respondent within the ten-day period established by this Court's Order of September 9, 2026, and will provide this Court with proof of service.

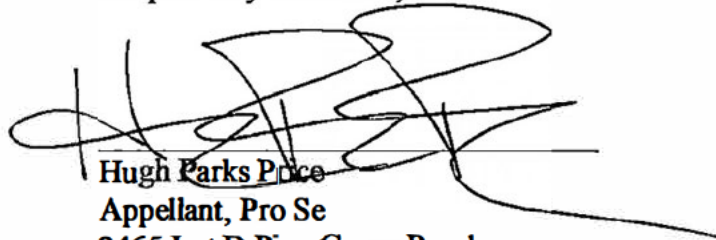
7. Granting leave serves the orderly administration of this appeal. The alternative Respondent proposes is dismissal of an appeal this Court reinstated one day before this filing, on a defect that is acknowledged, curable, and cured. Where an appellant has committed rule violations and then

corrected course, the Supreme Court has declined to impose the sanction of dismissal. *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992).

8. Appellant is self-represented. He does not offer that fact as an excuse for filing unverified authority, and he does not ask to be held to a lesser standard. He states only that the error was inadvertent, that it was not made to mislead this Court or Respondent, and that he has adopted the practice of verifying every authority against the primary source before any future filing.

WHEREFORE, Appellant respectfully requests that this Court grant leave to file the Corrected Initial Brief of Appellant, deem it filed as of the date of this Court's order, and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Hugh Parks Price', is written over a horizontal line. The signature is stylized with large, sweeping loops.

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Columbia, South Carolina

Dated: September 9, 2026

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CERTIFICATE OF SERVICE

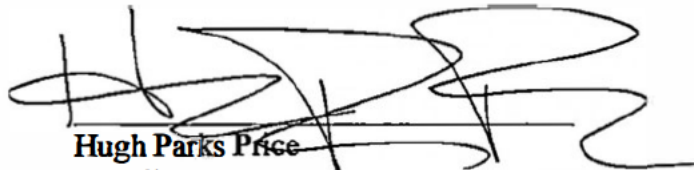
I hereby certify that on the date set forth below I served a true and correct copy of the foregoing Motion for Leave to File Corrected Initial Brief of Appellant upon counsel for Respondent by first-class United States mail, postage prepaid, and by electronic mail, addressed as follows:

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Hugh Parks Price
Appellant, Pro Se

Dated: September 10, 2026