

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC 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.

REPLY IN SUPPORT OF RESPONDENT’S MOTION TO DISMISS

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Respondent, by and through her undersigned counsel, hereby submits this reply memorandum in support of her motion to dismiss this appeal.

BACKGROUND

Respondent moved to dismiss this appeal on the grounds that it is moot, that it fails to comply with SCACR 208 and 269, and that the reinstatement of the appeal was procedurally deficient. *See* Mot. to Dismiss, August 31, 2026. Appellant's return to Respondent's motion to dismiss may be broken down into three primary arguments against Respondent's motion. Specifically, Appellant argues (1) Appellant's citations to non-existent, AI-generated case law is not grounds for dismissal; (2) the appeal is not moot by virtue of Appellant re-filing his claim in the trial court; and (3) Respondent's untimeliness argument has been resolved by this Court's September 9, 2026, order. Return of Appellant in Opp'n to Resp't's Mot. to Dismiss, September 10, 2026. For the reasons stated herein, Respondent contends Appellant's arguments are unavailing, and this appeal should be dismissed.

ARGUMENT

For the reasons stated herein, this appeal should be dismissed.

I. The appeal is moot.

First, Respondent contends that the appeal is, in fact, moot, as Appellant has refiled a complaint regarding the same set of facts that was the subject of the instant case. Appellant conclusively states "Case No. 2026-CP-41-00059 is a separate

action between the same two parties arising from separate incidents and pleading claims that are independent of those asserted in [the instant case].” *Id.* at 7. Appellant states “[t]he two actions share a plaintiff and a defendant[,]” but “[t]hey do not share subject matter.” *Id.* This assertion is blatantly and verifiably false by even a cursory review of the two complaints.

While Appellant did not refile the exact same complaint as the instant action (*Price I*), he did file a new complaint regarding the same alleged incident and set of facts. A review of 2026-CP-41-00059 (*Price II*) confirms that Appellant, as early as the fifth paragraph, alleges that Respondent drafted and signed restraining order 2023-OR-41-10100010. *Price II* Compl. at ¶ 5.¹ Though the *Price II* complaint alleges other conduct as well, it goes on to bring causes of action which incorporate the alleged restraining order. *Id.* at 10 – 14. Notably, the filing of 2023-OR-41-10100010 by Respondent is the *only* factual allegation in the complaint in the instant case. *See Price I* Compl. Accordingly, *Price II* does, in fact, share subject matter with the instant case, despite Respondent’s assertion. As such, he has already refiled his case, and, having elected this remedy, the instant case is moot.²

¹ To the extent Appellant challenges Respondent’s citation to the complaints of *Price I* and *Price II*: Respondent cited to the case number of *Price II*, as a reference to the public index confirms that it was both filed and is ongoing. That said, for ease of reference, Respondent has included the complaints of both *Price I* and *Price II* as Exhibits A and B to this memorandum, respectively.

² Further, to the extent Appellant alleges that the statute of limitations has run for some of his claims, it is worth noting that, by the allegations of his complaint, even

II. Appellant has failed to comply with SCACR 208 and 269.

Further, this case fails to comply with the applicable appellate court rules. Appellant outright admits to his failure failure to validate the citations therein before filing. *See* Return of Appellant in Opp’n to Resp’t’s Mot. to Dismiss, September 10, 2026, at 1 – 2. Further, Appellant does not contest that this is due to his use of generative artificial intelligence. *See id.* This alone should be fatal to his appeal. Appellant contends that because he has moved to remove the counterfeit citations, he has corrected the issue, and his brief no longer contains frivolous matters. *Id. at* 2 – 3. Appellant is incorrect. Notably, though Appellant states “[t]he propositions those citations were offered to support are established by verified authority[,]” *id. at* 3, this is belied by Appellant’s own filings, which admits “the broader proposition stated in the filed brief is not supported by South Carolina law following the adoption of the Rules of Civil Procedure.” Appellant’s Mot. for Leave to File Corrected Initial Br. of Appellant, September 10, 2026, at ¶ 4(c). Indeed, in his initial brief, Appellant relied heavily on the proposition that a merits-based answer waived an argument under SCRCP 12(b)(5). *See* Initial Br. Of Appellant, July 31, 2026, at Part II. That

the instant case was filed outside of the statute of limitations. *See Price I* Complaint (alleging the commission of civil conspiracy, libel, and slander on July 13, 2026, though the complaint itself was not filed until July 15, 2026). Accordingly, both actions were filed outside of the statute of limitations, and Appellant’s contention that the instant case is necessary to preserve timely filing within the statute of limitations is without merit.

contention is, in fact, wholly unsupported by South Carolina law, and Appellant's reliance on it was frivolous.

Though Appellant is self-represented, “[a] pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law. *State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9 (2003). The Supreme Court has cautioned lawyers and litigants as recently as March of 2025 that “litigants are reminded that they are responsible to ensure the accuracy of all work product and must use caution when relying on any output of Generative AI.” Order, *Re: Interim Policy on the Use of Generative Artificial Intelligence*, March 25, 2025, Case No.: 2025-000043. Appellant attempts to cast his conduct as a mere “error in filing[,]” such as the undersigned’s accidental citation to Appellant’s middle name, Parks, rather than his last name, Price. Return of Appellant in Opp’n to Resp’t’s Mot. to Dismiss, September 10, 2026, at 6. This is an extremely disingenuous framing of events. Here, Appellant did not merely misquote or incorrectly cite quotations for propositions which are otherwise supported by South Carolina law – rather, in support of one of his major issues for appeal, he presented, as fact, false citations for a proposition which is directly contrary to South Carolina law. Respondent contends this is sanctionable conduct which, at the very least, demonstrates severe noncompliance with SCACR 208 and 269 and warrants dismissal. Respondent contends that the Court is well within its

right to do so. *See Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992). Accordingly, the appeal should be dismissed for noncompliance with SCACR 208.

III. The appeal is procedurally deficient.

Finally, understanding that the Court has reinstated the appeal, Respondent would respectfully maintain the objection that the procedural deficiencies outlined in the motion to dismiss constitute cause for dismissal of the appeal.

CONCLUSION

In conclusion, for the reasons stated herein, the appeal should be dismissed.

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