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Sep 25 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
DORCHESTER COUNTY

Case No. 2026-CP-18-1219

Jennifer Di Gennaro Cowan, Appellant
v.
MJ Holdings SC, LLC, Respondent.

APPELLANT'S VERIFIED MOTION FOR STAY / SUPERSEDEAS PENDING APPEAL

Appellant Jennifer Di Gennaro Cowan, appearing pro se, respectfully moves this Court pursuant to Rule 241, SCACR, Rule 62, SCRCP, and applicable South Carolina law for an order preserving the status quo and staying enforcement of the matters affected by the September 2, 2026 Order while Appellant's appeal to the South Carolina Court of Appeals is pending.

FACTUAL AND PROCEDURAL BACKGROUND

1. On May 12, 2026, Appellant timely appealed the Magistrate Court ejectment proceeding to the Dorchester County Court of Common Pleas in this case.

2. Respondent thereafter filed a Motion to Dismiss and a separate Memorandum in Support. Appellant received the two-page Motion to Dismiss but did not receive the separately filed supporting memorandum or its accompanying exhibits. Respondent's filed Certificate of Service identifies the “Motion To Dismiss, Notice of Hearing and Certificate of Service” as the papers mailed to Appellant; it does not identify the separately filed memorandum or accompanying exhibits.

3. On August 12, 2026, Appellant sought remote participation and/or a continuance because she was physically unable to attend the scheduled hearing. The Court advised by email that it was amenable to a continuance upon the parties' consent. Appellant consented; Respondent did not. The hearing proceeded in Appellant's absence.

4. On September 2, 2026, this Court entered an Order granting Respondent's Motion to Dismiss and remanding the matter to the Dorchester County Magistrate Court.

5. Appellant received written notice of entry of the September 2 Order by United States Mail on or about September 10, 2026. The transmitting envelope bears postage dated September 4, 2026.

6. Appellant is serving a Notice of Appeal from the September 2, 2026 Order to the South Carolina Court of Appeals.

GROUNDS FOR RELIEF

Rule 241(a), SCACR provides that, as a general rule, service of a notice of appeal in a civil matter automatically stays matters decided in the appealed order and the relief ordered. Rule 241(b), however, recognizes statutory and other exceptions. Rule 241(c) authorizes supersedeas in a case subject to an exception and directs the court to consider whether relief is necessary to preserve appellate jurisdiction or prevent a contested issue from becoming moot.

Because the underlying proceeding concerns possession of the residence at 129 Alicia Drive, Appellant requests an express stay or supersedeas rather than relying solely upon the general automatic-stay provision. To the extent S.C. Code Ann. § 18-9-170 or another statutory security requirement applies, Appellant respectfully asks the Court to determine the amount and form of any undertaking, bond, or other security required and to allow Appellant a reasonable opportunity to comply.

A stay is necessary to preserve meaningful appellate review. If the remand results in execution of the ejectment and Appellant is dispossessed before the Court of Appeals can review whether the Circuit Court properly dismissed her Magistrate Court appeal, the practical subject of the appeal may be substantially altered and the requested appellate relief may be impaired. Rule 241(c)(2) specifically directs consideration of preservation of appellate jurisdiction and prevention of mootness.

The requested relief would preserve the existing status quo while the appellate process proceeds. Appellant does not ask this Court, through this motion, to decide the ultimate merits of the possession dispute. She asks only that enforcement affecting possession be stayed long enough for appellate review, subject to any lawful terms the Court determines are appropriate.

REQUEST FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. Stay enforcement of the September 2, 2026 Order, including further proceedings or execution affecting Appellant's possession of 129 Alicia Drive, to the extent permitted by law, pending disposition of the appeal;

2. Alternatively, issue a writ/order of supersedeas under Rule 241, SCACR, sufficient to preserve the status quo and prevent execution of ejectment while the appeal is pending;

3. Pending a ruling on this motion, enter temporary relief prohibiting execution of any warrant of ejectment or other action dispossessing Appellant from the premises;

4. If an undertaking, bond, sureties, periodic payment, or other security is legally required, determine the applicable amount and terms and permit Appellant a reasonable opportunity to satisfy those requirements; and

5. Grant such other and further relief as the Court deems just and appropriate to preserve meaningful appellate review.

Respectfully submitted,

_____

Jennifer Di Gennaro Cowan
Appellant, Pro Se
129 Alicia Drive
Summerville, SC 29483
Telephone: (854) 854-0131

Date: _____, 2026

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VERIFICATION

I, Jennifer Di Gennaro Cowan, declare under oath that I am the Appellant in this matter; that I have read the foregoing Verified Motion for Stay / Supersedeas Pending Appeal; and that the factual statements contained in it are true and correct to the best of my personal knowledge and belief.

_____
Jennifer Di Gennaro Cowan

Sworn to and subscribed before me
this _____ day of _____, 2026.

_____
Notary Public for South Carolina
My Commission Expires: _____

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CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing Appellant's Verified Motion for Stay / Supersedeas Pending Appeal upon counsel for Respondent by depositing it in the United States Mail, first-class postage prepaid, on _____, 2026, addressed as follows:

Chad D. Shelton, Esq.
West Law Firm, P.A.
P.O. Box 1869
Moncks Corner, SC 29461
Attorney for Respondent MJ Holdings SC, LLC

_____
Jennifer Di Gennaro Cowan
Appellant, Pro Se
Date: _____, 2026