

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 No. 2026-001043

RECEIVED

SEP 25 2026

SC Court of Appeals

Hugh Parks Price,

Appellant,

v.

Rebecca Bartley,

Respondent.

APPELLANT'S SUR-REPLY IN OPPOSITION TO
RESPONDENT'S MOTION TO DISMISS

Appellant submits this Sur-Reply, limited to matters raised for the first time in Respondent's Reply in Support of Motion to Dismiss (the "Reply"). The arguments in Appellant's Return of September 10, 2026 are not repeated here.

I. Appellant corrects his Return: the two actions overlap as to the 2024 witness intimidation charge.

Appellant's Return stated that Case No. 2026-CP-41-00059 ("Price II") arises "from separate incidents" and that the two actions "do not share a subject matter." (Return p. 7.) With both complaints now before the Court, Appellant acknowledges that the statement was overbroad, and he withdraws it to the extent set out here.

The two actions are centered on different periods. The counts in Price II rest on acts in 2024 and later, and it recites the events of 2023 only as background. (Price II Compl. pp. 1–3, ¶¶ 5–13, Reply Ex. B.) This action is centered on 2023: the July 13, 2023 petitions, service of process in July and September 2023, and Respondent's request for maximum bond on the 2023 charges. (Am. Compl. §§ A.1, B.1–4, C.1, Ex. 1 pp. 2–3.) The Amended Complaint also pleads, however, Respondent's role in the bond proceedings on the 2024 witness intimidation charge, warrant 2024A4110100041, including her statements that she had known the alleged victims "for over a year" and that law enforcement had responded "20 times," and the termination of that charge in Appellant's favor. (*Id.* §§ C.2, F.1–2, Count III, Ex. 1 pp. 4–6.) Price II pleads the same charge and the same statements. (Price II Compl. ¶¶ 14–22, 31–32, 45.) To that extent the two actions share subject matter, and Appellant should have said so in his Return.

II. The operative pleading is the Amended Complaint, which alleges far more than one act.

The Reply states that the filing of petition 2023-OR-41-10100010 "is the only factual allegation in the complaint in the instant case." (Reply p. 4.) The pleading Respondent cites for that statement, her Exhibit A, is Appellant's original handwritten complaint. It was superseded by the Amended Complaint filed August 12, 2025 (Ex. 1), which Respondent's counsel described to the circuit court as "what he's got on file presently." (Tr. p. 5, lines 23–24.) Respondent answered that pleading paragraph by paragraph. (Ex. 2.)

The Amended Complaint alleges the two petitions (§ A.1); service of process in July and September 2023 and in June 2025 (§§ B.1–6); requests for maximum bond, continued denial of bond, and revocation of bond (§§ C.1–2); and statements at bond hearings (§§ F.1–2). (Ex. 1 pp. 2–5.) In her Answer, Respondent admitted delivering the petitions to the court (Ex. 2 ¶ 7), admitted the bond requests alleged in §§ C.1–2 (*id.* ¶ 12), and admitted "making similar

statements at some hearings," while denying that they were false (*id.* ¶ 17). The petition is not the only factual allegation in the operative pleading.

III. Price II does not reach the 2023 conduct, so reversal would still have practical effect.

That the two actions overlap does not make this appeal moot. An appeal is moot only when an intervening event renders any grant of effectual relief impossible. *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 26, 630 S.E.2d 474, 477 (2006). Price II cannot grant relief on the conduct of 2023, because it expressly declines to seek any. Paragraphs 5 through 13 of Price II appear under the heading "Background and Pattern Evidence," which the pleading describes as "not asserted as independent counts for limitations purposes." (Price II Compl. p. 3, Reply Ex. B.) Its introduction states that its "timely counts" arise from acts "within the two-year limitations period." (*Id.* p. 1.) The counts' incorporation of all preceding paragraphs offers that background as evidence of malice and pattern; it does not assert the background as a claim.

The July 13, 2023 petitions, the 2023 service events, and the 2023 bond requests alleged in the Amended Complaint are therefore claims in this action alone. Respondent's own Exhibit B shows that Price II is not a vehicle for them.

IV. The limitations argument in footnote 2 was never raised in the circuit court.

Footnote 2 of the Reply asserts that this action "was filed outside of the statute of limitations." (Reply pp. 4–5 n.2.) Respondent did not raise the statute of limitations in the circuit court. Her Answer asserts ten defenses, none of which is the statute of limitations. (Ex. 2 ¶¶ 1–36.) Her motion sought dismissal for insufficient service under Rule 4(d)(5), SCRCp, or alternatively leave to answer out of time under Rule 6(b). (Ex. 3.) Limitations was not argued at the March 26, 2026 hearing. (Tr. pp. 3–21.) The circuit court dismissed the action for insufficient service, as Respondent's own Motion acknowledges. (Mot. to Dismiss p. 3.)

Rule 8(c), SCRCP, requires a party to set forth the statute of limitations affirmatively in a responsive pleading, and the failure to plead an affirmative defense is deemed a waiver of it. *Earthscapes Unlimited, Inc. v. Ulbrich*, 390 S.C. 609, 703 S.E.2d 221 (2010). Further, "[i]t is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review." *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). A defense that was never pleaded, argued, or ruled upon below cannot establish that reversal would have no practical effect. Whether any claim is timely is a merits question for the circuit court on remand, not a ground for dismissing this appeal.

For accuracy of the record, Appellant notes that the petition at issue was dated July 13, 2023, not 2026, and that Respondent's Exhibit A bears a clerk's stamp of July 14, 2025 and an electronic filing stamp of July 15, 2025. Appellant does not ask the Court to decide timeliness on this motion.

V. Additional disclosure.

In reviewing the hearing transcript to prepare this Sur-Reply, Appellant found that he also cited the nonexistent decision *R.F.P. v. S.C. Department of Social Services* orally at the March 26, 2026 hearing. (Tr. p. 13, lines 21–23.) That is the same citation Appellant withdrew in his Return. He withdraws it there as well, and makes this disclosure so that the Court has it from him.

EXHIBIT 1

Amended Complaint

Case No. 2025-CP-41-00150, filed August 12, 2025

**IN THE COURT OF COMMON PLEAS
FOR SALUDA COUNTY
STATE OF SOUTH CAROLINA**

HUGH PARKS PRICE, pro se
Plaintiff,

v.

Case No. 2025-CP-41-00150

REBECCA BARTLEY, in her official capacity,
Defendant.

AMENDED COMPLAINT

Plaintiff Hugh Parks Price, pro se ("Plaintiff"), alleges against Defendant Rebecca Bartley ("Defendant" or "Bartley") as follows:

PARTIES, JURISDICTION, AND VENUE

The Plaintiff is a resident of Richland County, South Carolina.

- A. Price is a resident of Saluda County, South Carolina.
- B. Defendant Rebecca Bartley is a South Carolina resident employed as a Victim's Advocate by the Saluda County Sheriff's Department.
- C. This Court has subject-matter jurisdiction under S.C. Code Ann. § 15-7-10 et seq. and personal jurisdiction over Defendant. Venue is proper under § 15-7-30 because the wrongful acts occurred in Saluda County.

STATUTORY BACKGROUND AND PROCEDURAL SAFEGUARDS

- A. 2.1 S.C. Code Ann. § 16-3-1700 et seq. defines harassment and stalking (first and second degree), requiring a "pattern" of conduct.
- B. § 16-3-1730 prescribes felony penalties for stalking, including enhanced penalties when a restraining order is in effect or when a prior conviction exists.

- C. § 16-3-1750 governs actions seeking magistrate-issued restraining orders for harassment/stalking: jurisdiction, venue, verified complaint requirements, service by certified mail or personal service, forms, and enforceability.
- D. § 16-3-1760 authorizes emergency temporary restraining orders without notice, subject to service within 24 hours and a show-cause hearing within 15 days but not less than 5 days.
- E. These statutes impose mandatory notice, service, and hearing timelines to protect due process. Violation of these procedures by a “victim’s advocate” acting in an official capacity may exceed qualified immunity and constitute malice under *Huggins v. Winn-Dixie Greenville, Inc.*, 252 S.C. 353, 166 S.E.2d 297 (1969).

STATEMENT OF FACTS

A. Filing of Petitions

1. Bartley filed TWO identical verified petitions—Magistrate Case Nos. 2023OR4110100009 (Molstad v. Price) and 2023OR4110100010 (Pippin v. Price)—each seeking stalking and harassment orders against Price. It should be noted that Mr. Price lived on the premises under an executed lease.
2. Bartley coached both Molstad and Pippin to allege Price “stole cookies ... to harass us,” thus fabricating Price’s mental state. There was no probable cause for these petitions because there had been no finding of fact that Price stole the cookies, nor is there any way for the Parties to factually ascertain what Mr. Price’s mental state was if the alleged cookie theft had occurred.

B. Service of Process

1. The first petition (00009) was properly served personally by Officer Shealy on July 18, 2023, at 2465 Lot D Pine Grove Rd, Ward, SC 29166, with a hearing date set for July 21, 2023. Which was less than 5 days.
2. On July 20, 2023, Price went to the Magistrate Court to demand additional time to prepare for the hearing because the hearing was scheduled in under the statutorily required 5 days.
3. The clerk, Dierdre Corbett, relented after being presented with the statute by Price. The hearing was subsequently rescheduled with service to Price on July 21, 2023. The hearing date was scheduled for July 31, 2023.
4. For the September 28, 2023, hearings in Price v. Molstad and Price v. Pippin, Bartley effected service by phone call despite two formal Affidavits of Non-Service by Officer Wilson, resulting in dismissal for lack of prosecution.
5. On June 13, 2025, Bartley again attempted service via phone call on Price for a June 18, 2025, hearing in case 2023OR4110100009, without any personal or mail attempt by the Court.
6. The Sheriff's Department made no personal service attempts, and the Court made no service-by-mail efforts for the June 12, 2025, summons.

C. Bond Requests

1. Bartley did not present affidavits but requested "maximum bond" from Judge Shults for charges including Aggravated Stalking (#2023A4110200073), AND (#2023A4110200072) VIOLATION OF A RESTRAINING ORDER.

2. She later sought to continue the denial of bond on warrant #2024A4110100041 ("Intimidation of a Witness") AND to revoke bond on warrants #2023A4110200072 #2023A4110200073 ("Aggravated Stalking"), *"(VIOLATION OF A RESTRAINING ORDER)"*

D. Hearing Scheduling Abuse

1. Molstad, and Pippin intentionally scheduled a property inspection at 9:00 a.m. on September 28, 2023, at 2465 Lot D Pine Grove Rd, during Price's bond restriction window of 10 a.m.-2 p.m. Both Molstad and Pippin attended, ensuring Price's absence and dismissal of his restraining-order petitions (2023OR4110100019 and 2023OR4110100020), *WHICH WERE SCHEDULED THE EXACT SAME TIME.*
2. Judge Freeman stated in the Disposition for Dismissal of Molstad and Pippin's petitions that Bartley had given Price service by phone. It should be noted that South Carolina statutes state in relevant part in Rule 4 of the South Carolina Rules of Civil Procedure that "proper service includes personal delivery, substitute service (leaving a copy at the last known home or dwelling), and/or agent service.
3. Christian Spradley represented Molstad in the eviction case 2023CV4110100221 and restraining-order cases 2023OR4110100019 (Price v. Molstad) and 2023OR4110100020 (Price v. Pippin).

E. False Probable Cause

1. The violation of a restraining order, which included first-degree harassment, second-degree harassment, and stalking, was dismissed (#2023A4110200072) *2/10/2025.*

F. Perjured Testimony

1. At hearings, Bartley falsely stated that the "victims were fearful of the Defendant," that Price was "sporadic," and that she had known Molstad *"for over AND ERIN GRACE VATO "FOR OVER..."*

a year” (in reality since July 13, 2023) and Vajo since April 2024. She also claimed law enforcement had responded “20 times,” **TO MOLSTAD/PRICE'S PROPERTY.**

2. Judge McCaslin relied on Bartley’s perjured testimony to both again deny Price’s bond (#2024A4110100041) and revoke Price’s bond (#2023A4110200073) **AND (00072)** without probable cause, although Price had **BEEN** completely compliant with the terms and conditions of the bond.

PRIVILEGE, IMMUNITY, AND MALICE

- A. Communications to law enforcement and courts by a Victim’s Advocate are qualifiedly privileged if in good faith and for proper purposes. *Bell v. Evening Post Pub. Co.*, 318 S.C. 558, 459 S.E.2d 315 (1995).
- B. This privilege is defeated by malice—knowledge of falsity or reckless disregard for the truth. *Cullum v. Dun & Bradstreet, Inc.*, 228 S.C. 384, 90 S.E.2d 370 (1955). Bartley’s actions—filing unsupported petitions, perjury, suppression of exculpatory evidence, and repeated false communications after refutation—demonstrate actual malice, defeating qualified immunity under Huggins, supra.

CAUSES OF ACTION

**COUNT I
DEFAMATION, LIBEL, AND SLANDER PER SE**

- A. Elements: false defamatory statement; unprivileged publication; fault; and damages (*Holtzscheiter v. Thomson Newspapers*, 332 S.C. 502, 506 n.2, 506 S.E.2d 497 (1998)).
- B. Bartley’s written petitions and bond requests falsely imputing crimes are libel per se and warrant presumed damages.
- C. Bartley’s oral statements at hearings accusing Price of harassment and stalking are slander per se.

~~C. Bartley's oral statements at hearings accusing Price of harassment and stalking are slander per se.~~

COUNT II CIVIL CONSPIRACY

- A. Elements: agreement; overt act; and damages (Lee v. Chesterfield Gen. Hosp., 257 S.C. 252, 185 S.E.2d 263 (1971)).
- B. Bartley conspired with Molstad and Pippin to misuse legal processes—filing false petitions, improper service, and perjured testimony—to evict and detain Price..

COUNT III MALICIOUS PROSECUTION

- A. Elements: (1) institution of proceedings by defendant; (2) termination in Plaintiff's favor; (3) absence of probable cause; (4) malice; (5) damages. Law v. S.C. Dep't of Corr., 368 S.C. 424, 629 S.E.2d 642 (2006).
- B. Plaintiff's arrests on false restraining-order and witness-intimidation charges terminated in his favor by nolle prosequi or dismissal. Bartley knew no factual basis existed (no stalking, no threats), yet she instigated and continued prosecutions. Facing 540 days potential jail time, Plaintiff pled guilty under coercion. Plaintiff endured ³⁴³~~448~~ days of cumulative confinement, relocation, ankle monitoring, eviction, legal fees, and emotional distress.

COUNT IV ABUSE OF PROCESS

- A. Elements: (1) willful act in misuse of process; (2) ulterior purpose. Huggins v. Winn-Dixie Greenville, Inc., 252 S.C. 353, 166 S.E.2d 297 (1969).

- B. Bartley used restraining-order hearings, bond motions, and criminal charges not to protect victims but to evict Plaintiff, coerce a plea, and suppress civil suits. Her perjured service claims, improper bond requests, and repeated false filings constitute an abuse of process with the ulterior motive of foreclosing Plaintiff's rights.

DAMAGES

- A. Actual: lost the value of the lease (\$19,200), removal/relocation expenses (\$8,400), business interruption, legal fees (\$45,000), emotional distress, reputational harm.
- B. Special: coerced plea costs, lost civil remedies, and eviction damages.
- C. Presumed: libel per se and slander per se.
- D. Punitive: willful, wanton, malicious misconduct evidenced by repeated, reckless false petitions and suppression of exculpatory records. *Fleming v. Rose*, 350 S.C. 488, 567 S.E.2d 857 (2002).

INJUNCTIVE RELIEF

- A. Monetary relief cannot prevent ongoing reputational harm. Plaintiff requests an injunction enjoining Bartley from making or ratifying any future false complaints or statements about Plaintiff to law enforcement or courts.
- B. Irreparable harm standard: reputational interests are intangible, inadequately remedied by money. *West v. Morehead*, 396 S.C. 1, 9–10, 720 S.E.2d 495 (2011); *Bell*, 318 S.C. at 573, 459 S.E.2d at 324.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- Compensatory damages (\$72,600+);
- Presumed damages for per se claims;

- Punitive damages;
- Costs and attorney's fees;
- Pre- and post-judgment interest;
- Injunction barring further false reports or statements; and
- Any other relief the Court deems just and proper.

12th DAY OF AUGUST
Dated this ~~15th~~ day of July, 2025.

Respectfully submitted,

/s/Hugh Parks Price

Hugh Parks Price, pro se
2465 Pine Grove Road, Lot D
Saluda County, South Carolina.

ALTERNATE ADDRESS FOR MAIL:

187 SPRUCE RD
WARD SC 29166

AMENDED

SUMMONS
STATE OF SOUTH CAROLINA
COUNTY OF SALUDA

TO: Rebecca Bartley
100 Law Enforcement Way
Saluda, SC 29138

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to such Complaint on the subscriber at Price's Address within thirty (30) days after service hereof, exclusive of the day of service. If you fail to answer within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Service of this Summons shall be made pursuant to Rule 4, SCRCP, and S.C. Code Ann. § 15-3-20.

Issued under my hand and the seal of the Court of Common Pleas for Saluda County this ~~14th~~ ^{12th} day of ~~July~~ ^{AUGUST}, 2025.

[Seal of Court]

Clerk of Court
Saluda County, South Carolina

EXHIBIT 2

Answer to Amended Complaint

Case No. 2025-CP-41-00150, filed January 15, 2026

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SALUDA COUNTY	)	
 Hugh Parks Price,	)	
	)	Civil Action No. 2025-CP-41-00150
Plaintiff(s),	)	
	)	ANSWER TO AMENDED COMPLAINT
v.	)	(Jury Trial Demanded)
	)	
Rebecca Bartley,	)	
	)	
Defendant(s).	)	
_____	)	

Subject to the Motion to Dismiss filed contemporaneously herewith, the Defendant, Rebecca Bartley, answers the Second Amended Complaint of the Plaintiff as follows:

FOR A FIRST DEFENSE

1. The Complaint fails to state a claim for which relief can be granted.

FOR A SECOND DEFENSE

2. The Defendant denies each and every paragraph, not hereinafter admitted, qualified or explained.

Parties Jurisdiction, and Venue

3. As to Paragraph A, Defendant is without knowledge and demands strict proof thereof.
4. As to Paragraph B, admitted.
5. As to Paragraph C, Defendant would allege that such allegations set forth legal conclusions which can neither be admitted nor denied. In so far as such allegations attempt to establish liability on the part of Defendant, Defendant would deny same and demand strict proof thereof.

Statutory Background and Procedural Safeguards

6. As to Paragraphs A-E, Defendant would allege that such allegations set forth legal conclusions which can neither be admitted nor denied. In so far as such allegations attempt to establish liability on the part of Defendant, Defendant would deny same and demand strict proof thereof.

Statement of Facts

7. As to A.1., Defendant would admit that she delivered the petitions to the court. Defendant cannot answer to Plaintiff's living situation without clarification of "premises."
8. As to Paragraph A.2, Defendant would deny same as stated.
9. As to Paragraphs B.1-3, upon information and belief, Defendant would admit that Plaintiff was served and that the hearing was rescheduled.
10. As to Paragraph B.4, upon information and belief Defendant would admit that a court deemed her phone calls effective service and that Plaintiff's petitions were dismissed.
11. As to Paragraphs B.5-6, Defendant would deny same as stated.
12. As to Paragraphs C.1-2, Defendant would admit same.
13. As to Paragraph D.1, Defendant is without knowledge and demands strict proof thereof.
14. As to Paragraph D.2, upon information and belief, Defendant would admit that her phone calls were found to be effective service. The remaining allegations set forth legal conclusions which can neither be admitted nor denied. In so far as they attempt to establish liability on the part of Defendant, Defendant would deny same and demand strict proof thereof.
15. As to Paragraph D.3, upon information and belief, Defendant would admit same.
16. As to Paragraph E.1, Defendant is without knowledge and demands strict proof thereof.

17. As to Paragraph F.1, Defendant would admit to making similar statements at some hearings.

Defendant would deny that they were false.

18. As to Paragraph F.2, Defendant would deny that Plaintiff was completely compliant with the terms of the bond. Defendant is without knowledge of Judge McCaslin's bases for denying Plaintiff's bond and demands strict proof thereof.

Privilege, Immunity, and Malice

19. As to Paragraphs A-B, Defendant would deny the alleged actions. The remaining allegations set forth legal conclusions which can neither be admitted nor denied. In so far as they attempt to establish liability on the part of Defendant, Defendant would deny same and demand strict proof thereof.

Causes of Action

Count I

20. As to Paragraphs A-C, Defendant would deny making false statements. The remaining allegations set forth legal conclusions which can neither be admitted nor denied. In so far as they attempt to establish liability on the part of Defendant, Defendant would deny same and demand strict proof thereof.

Count II

21. As to Paragraph A, the allegations set forth legal conclusions which can neither be admitted nor denied. In so far as they attempt to establish liability on the part of Defendant, Defendant would deny same and demand strict proof thereof.

22. As to Paragraph B, Defendant would deny same.

Count III

23. As to Paragraph A, the allegations set forth legal conclusions which can neither be admitted nor denied. In so far as they attempt to establish liability on the part of Defendant, Defendant would deny same and demand strict proof thereof.
24. As to Paragraph B, Defendant would deny both that no factual basis existed for Plaintiff charges and that she instigated and continued prosecutions. Defendant is without knowledge as to the remaining allegations and demands strict proof thereof.

Count IV

25. As to Paragraph A, the allegations set forth legal conclusions which can neither be admitted nor denied. In so far as they attempt to establish liability on the part of Defendant, Defendant would deny same and demand strict proof thereof.
26. As to Paragraph B, Defendant would deny same.

Damages

27. As to Paragraphs A-D, Defendant is without knowledge of Plaintiff's damages and would demand strict proof thereof. Defendant would deny that she tortiously caused any damages.

Injunctive Relief And Prayer For Relief

28. As to the Relief Paragraphs, Defendant would deny that Plaintiff is entitled to the requested relief.

FOR A THIRD DEFENSE

29. The Defendants assert the defense of sovereign immunity, pursuant to the terms of the South Carolina Tort Claims Act, including, but not limited to, the damages caps set forth in South Carolina Code Ann. § 15-78-120 and the bar on the recovery of pre-judgment interest, punitive damages and attorney's fees.

FOR A FOURTH DEFENSE

30. The Defendant would allege that in so far as she acted in a discretionary manner she is immune.

FOR A FIFTH DEFENSE

31. The Defendant would allege that she is immune from suit pursuant to the terms, conditions and limitations of the South Carolina Tort Claims Act § 15-78-60 (3, 4, 5, 6, 20, and 23).

FOR A SIXTH DEFENSE

32. The Defendant would allege that in so far as she acted in a prosecutorial capacity, she enjoys prosecutorial immunity.

FOR A SEVENTH DEFENSE

33. The Defendant would allege that any statement(s) made regarding the Plaintiff, if at all, were truthful, in good faith and without malice, and as such, the Plaintiff's defamation claim should be dismissed as a matter of law.

FOR AN EIGHTH DEFENSE

34. The Plaintiff has failed to properly mitigate alleged damages, if any, and, therefore, one or more of the Plaintiff's claims are barred, in whole or in part, by such failure.

FOR AN NINTH DEFENSE

35. The Defendant would allege her statements made while testifying are privileged.

FOR AN TENTH DEFENSE

36. The Defendant was improperly served pursuant to Rule 4(d)(5), SCRCP.

WHEREFORE, having fully answered the Complaint of the Plaintiff, the Defendant prays that the Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

DAVIDSON & WREN, P.A.

s/William H. Davidson, II
WILLIAM H. DAVIDSON, II (#1558)
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Counsel for Defendants

Columbia, South Carolina
January 13, 2026

EXHIBIT 3

Notice of Motion and Motion to Dismiss or, Alternatively,
for Leave to File Answer Out of Time

Case No. 2025-CP-41-00150, filed January 15, 2026

STATE OF SOUTH CAROLINA)
COUNTY OF SALUDA COUNTY)

IN THE COURT OF COMMON PLEAS

Hugh Parks Price,)

Plaintiff(s),)

v.)

Rebecca Bartley,)

Defendant(s).)

Civil Action No. 2025-CP-41-00150

**NOTICE OF MOTION AND MOTION TO
DISMISS OR, ALTERNATIVELY, FOR
LEAVE TO FILE ANSWER OUT OF TIME**

TO: PLAINTIFF, PRO SE

Defendant Rebecca Bartley, by and through her undersigned counsel, and pursuant to Rule 6(b) of the South Carolina Rules of Civil Procedure, hereby moves before the Presiding Judge of the Saluda County Court of Common Pleas for an Order Dismissing the Amended Complaint or, alternatively, for Leave to File an Answer Out of Time. Defendant asserts that good cause exists for this requested relief.

Foremost, Defendant is employed by the Sheriff making her a state official. *See Cone v. Nettles*, 308 S.C. 109, 417 S.E.2d 523 (1992) (holding sheriffs and deputies are state, not county, officials).¹ As such, Plaintiff was required to send a copy of the summons and complaint to the Attorney General. Rule 4(d)(5), SCRCF. Plaintiff failed to do so. Exhibit 1, Kirkland Affidavit. Therefore, Plaintiff is entitled to dismissal. *Crowder v. Franklin*, No. 2005-UP-588, 2005 WL 7084852, at *1 (S.C. Ct. App. Nov. 17, 2005) (affirming dismissal of sheriff's office and deputy

¹ The Sheriff must be substituted as the party defendant. S.C. Code § 15-78-70(c) ("In the event that the employee is individually named, the agency or political subdivision for which the employee was acting must be substituted as the party defendant.").

because the plaintiff failed to send a copy of the complaint to the attorney general). At a minimum, the Court should excuse the belated Answer.

There are additional arguments for permitting a belated Answer. Plaintiff filed two other cases against Sheriff personnel contemporaneously with this one. Counsel removed both to federal court. *See* 2025CP4100132; 2025CP4100167. On one occasion, the complaints were emailed to counsel altogether, and counsel did not realize that a third complaint was included. The third complaint came to Counsel's attention on January 12, 2026. Counsel worked quickly to file the attached Answer upon realizing the oversight.

Moreover, Defendant asserts meritorious defenses to Plaintiff's allegations exist, and no prejudice to Plaintiff will result from being granted the requested relief. Finally, public policy in this state supports a ruling allowing Defendant, as a state agent or officer under Rule 55(e), to file a responsive pleading and defend against an unsupported windfall against the taxpayers of this county.

Counsel certifies that consultation with the opposing pro se Plaintiff prior to the filing of this Motion would have served no useful purpose.

DAVIDSON & WREN, P.A.

BY: s/Williams H. Davidson, II
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ATTORNEYS FOR DEFENDANT

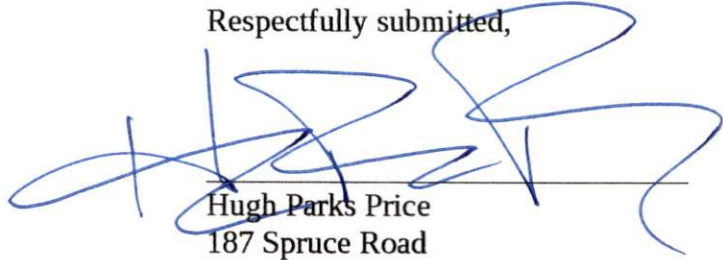
COLUMBIA, SOUTH CAROLINA

JANUARY 14, 2026

CONCLUSION

For these reasons and those stated in his Return, Appellant respectfully requests that the Court deny Sections I, II, and III of Respondent's Motion to Dismiss and allow this appeal to proceed to decision on the merits.

Respectfully submitted,



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(864) 553-9587
hughpricesouthcarolina@gmail.com
Appellant, Pro Se

Ward, South Carolina
September 25, 2026