

IN THE SOUTH CAROLINA COURT OF APPEALS

Appellate Case No. 2025-002454

Robert Jones and Jessica Jones, Respondents

v.

Aaron Quinzy and Charles Smith, Defendants

Of whom Aaron Quinzy is the Appellant

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SC Court of Appeals

MOTION TO DISMISS APPEAL

Now Come Respondents, Robert Jones and Jessica Jones, by and through their undersigned Counsel, pursuant to Rules 260(a) and 240, SCACR, who move this Court for an Order dismissing the Appellant's appeal, with prejudice. This Motion is based on the Appellant's failure to timely submit an initial brief, failure to seek an order for a stay of time limits, and failure to comply with the bond requirements imposed to maintain a stay of execution. In support of this Motion, Respondent shows the Court the following:

I. Factual and Procedural Background

1. **December 11, 2025:** Appellant filed a Notice of Appeal along with a Motion to Stay the Master in Equity's underlying order.
2. **January 5, 2026:** This Court granted a temporary stay and requested a Return from Respondent.
3. **January 12, 2026:** Respondent timely filed its Return to the temporary stay request.
4. **January 23, 2026:** This Court dismissed the appeal due to Appellant's failure to pay the required appellate filing fee.

5. **Reinstatement and Remand:** Appellant subsequently petitioned for reconsideration, which this Court granted, reinstating the appeal and remanding the stay and security issues to the Master in Equity.
6. **April 2, 2026:** This Court filed an Order explicitly directing that "this appeal will not be held in abeyance pending the master's ruling on appellants motion." This order put Appellant on clear and unambiguous notice that standard appellate deadlines remained active and binding.
7. **July 7, 2026:** Following the remand, the Master in Equity ordered that a bond be posted by Appellant on or before July 22, 2026, as a condition to maintain any stay of delivery of possession of the subject real property.
8. **Bypass of Lower Tribunal:** Rather than posting the bond or filing a motion for reconsideration with the Master in Equity, Appellant petitioned this Court to vacate the Master's July order.
9. **September 18, 2026:** This Court denied Appellant's request to vacate and upheld the Master's order requiring the bond.
10. **Present Default:** Despite this Court's explicit April 2, 2026, mandate that the appeal would not be held in abeyance, Appellant has failed to submit an initial brief, failed to seek a lawful stay of time limits, and failed to comply with the bond order required to secure possession. The time for ordering the transcript and filing the initial brief under Rule 208, SCACR has long expired.

II. Legal Argument

An appellate court may dismiss an appeal when an appellant fails to prosecute the action

or comply with the mandatory deadlines outlined in the South Carolina Appellate Court Rules. Per Rule 208(a)(4), SCACR, "[u]pon 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".

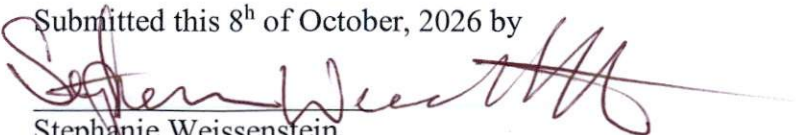
This Court's April 2, 2026, Order left no room for ambiguity: the appellate clock was active. The order explicitly mandated that the merits of the appeal would not be held in abeyance pending the security determinations below. By failing to file an initial brief within thirty (30) days of the transcript availability or the reactivation of the appeal and instead spending months litigating a collateral stay bond that he ultimately lost on September 18, 2026, Appellant has structurally abandoned the prosecution of the merits of this appeal.

While certain baseline motions under Rule 240(b) SCACR may temporarily affect time constraints, an appellant is not excused from their fundamental procedural duties to advance the appeal when explicitly ordered otherwise. Because the regulatory deadlines for filing the initial brief have expired without Appellant filing the brief or establishing a lawful stay of time limits, dismissal for failure to prosecute is the appropriate remedy under the South Carolina Rules of Appellate Procedure.

III. Conclusion

For the reasons set forth above, Respondent respectfully requests that this Court enter an Order **DISMISSING** the current appeal with prejudice, lifting any residual procedural holds, and granting Respondents such other relief as this Court deems just and proper.

Submitted this 8th of October, 2026 by



Stephanie Weissenstein
SC Bar 72604
106 Broad Street
Sumter, SC 29150
Attorney for Respondents/Movants

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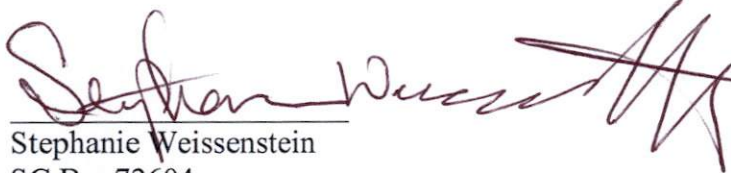
CERTIFICATE OF SERVICE

The undersigned affirms that on October 8, 2026, she served a copy of this Motion upon the Appellant Aaron Quinzy by placing it in the United States Mail, with proper postage affixed, and addressed to:

2804 Kolb Road

Sumter, SC 29154

Submitted by



Stephanie Weissenstein

SC Bar 72604

106 Broad Street

Sumter, SC 29150

Attorney for Respondents/Movants

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October 8, 2026

S.C. Court of Appeals
Attn: Clerk of Court
PO Box 11629
Columbia, SC 29211

RE: Quinzy v Jones (2025-002454)

Dear Clerk:

Enclosed herewith are the original and one copy of Respondents' Motion to Dismiss Appeal and Certificate of Service. Also enclosed is a firm check for the filing fee.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Stephanie Weissenstein'.

Stephanie Weissenstein

c. Aaron Quinzy



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Columbia, SC 29210

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