

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

The Honorable Daniel Coble, Circuit Court Judge

OCT 15 2026

SC Court of Appeals

Appellate Case No. 2026-001824

Lynn Shuler Teague, in her individual capacity; League of Women Voters of South Carolina, Inc., Jace Woodrum, in his individual capacity; and American Civil Liberties Union of South Carolina, Inc.,

Appellants,

v.

The House Legislative Rules Committee of the South Carolina House of Representatives; the Honorable Micajah P. "Micah" Caskey, IV, in his official capacity as Chairman of the House Legislative Rules Committee; and Speaker G. Murrell Smith, Jr., in his official capacity as Speaker of the South Carolina House of Representatives,

Respondents.

MOTION TO DISMISS APPEAL

Respondents, by and through their undersigned counsel, respectfully move this Court, pursuant to Rules 207, 240, and 260 of the South Carolina Appellate Court Rules, for an order dismissing the above-captioned appeal. Appellants have failed to order the transcript as required by Rule 207, SCACR, and have failed to comply with this Court's August 27, 2026 directive regarding the transcript. In support of this motion, Respondents show the Court as follows:

1. By letter dated August 27, 2026, the Clerk of this Court notified Appellants' counsel that the time for ordering the transcript has expired.

2. The Clerk's letter directed Appellants, within ten days of the date of the letter, either (a) to file a copy of the letter showing that they had timely ordered the transcript from the court reporter, or (b) if they had not timely ordered the transcript, to serve and file a motion requesting permission to order the transcript outside the filing deadlines set by Rule 207, SCACR, together with a copy of their letter to the court reporter. The letter further directed Appellants to copy the Court, the Office of Court Administration, and opposing counsel on all correspondence concerning the transcript.

3. The Clerk's letter expressly warned Appellants: "You must advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed."

4. The ten-day period set by the Clerk's letter has long since expired. Appellants have not filed proof that they timely ordered the transcript; have not served or filed a motion for permission to order the transcript out of time; and have not advised the Court of the status of the transcript. Respondents have received no correspondence from Appellants concerning the transcript.

5. Rule 207, SCACR, requires an appellant, within the time provided by that Rule, to order the transcript and to make satisfactory arrangements in writing with the court reporter for furnishing it, including arrangements for payment. The burden is on the appellant to provide the appellate court with an adequate record for review, and the right to appeal may be lost through an appellant's failure to comply with the Appellate Court Rules. *State v. Serrette*, 375 S.C. 650, 652, 654 S.E.2d 554 (Ct. App. 2007).

6. Rule 260, SCACR, provides that “[w]henver it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal,” and that the case “shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties.” *See also Wise v. S.C. Dep’t of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551 (2007) (“Whenever it appears that an appellant has failed to comply with the requirements of the SCACR, an order of dismissal shall be issued.”).

7. The Supreme Court of South Carolina has emphasized that the Appellate Court Rules “are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State,” and that “[i]t is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.” *Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794 (1992). Our courts have long enforced these requirements by dismissing appeals that appellants fail to prosecute in accordance with the rules. *See State v. Cottingham*, 224 S.C. 181, 184–86, 77 S.E.2d 897 (1953) (affirming dismissal where appellants never requested the trial transcript from the court reporter, “without which the record for appeal could not be completed,” and offered “no reason or excuse for their derelictions”); *Wade v. Gore*, 154 S.C. 262, 264–65, 151 S.E. 470 (1930) (explaining it is the duty of appellant’s counsel to proceed with perfecting the appeal and that the Court’s discretion “will not be exercised in favor of litigants and their attorneys who have ‘allowed things just to rock along’”).

8. Here, Appellants failed to order the transcript within the time required by Rule 207, SCACR, and then failed to take either of the corrective actions the Court directed, despite the Court’s express warning that the appeal would be dismissed. Appellants have offered no explanation for their noncompliance. Their inaction has stalled this appeal and deprives

Respondents of the orderly and timely resolution the Rules are designed to secure. Dismissal is therefore warranted under Rule 260, SCACR, and the Court's August 27, 2026 directive.

WHEREFORE, Respondents respectfully request that this Court grant this motion, dismiss the above-captioned appeal, and grant any such other relief as the Court deems just and proper.

Respectfully submitted,

MAYNARD NEXSEN PC

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October 15, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2026, I served a true and correct copy of the foregoing Motion to Dismiss Appeal upon counsel of record for Appellants by electronic mail, addressed as follows:

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