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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2024-000420

Crescent Roofing & Remodeling, LLC, Respondent,

v.

Eric Ragsdale, Appellant.

**REPLY TO APPELLANT'S RETURN TO
RESPONDENT'S MOTION TO DISMISS APPEAL**

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Introduction

Respondent Crescent Roofing & Remodeling, LLC filed a Motion to Dismiss this Appeal on September 28, 2026 on the grounds that Appellant Eric Ragsdale “has delayed the perfection of this appeal by willfully refusing to comply with the Court’s [Appellate Court] Rules and Orders at every step in the process.” Mot. to Dismiss at p.2. As of September 28th, this appeal had been pending for two (2) years and six (6) months and no Record on Appeal (“ROA”) had been produced even though the last initial brief was filed more than a year ago on August 6, 2025. **Exhibit 3.**

On October 2, 2026, Appellant emailed this Court to file two (2) documents purporting to be the ROA and Appellant’s Final Brief (hereinafter “October 2nd Filings”). Neither document complied with the South Carolina Appellate Court Rules (hereinafter “Rules”) and the ROA specifically omitted documents designated by Respondent. On October 6, 2026, Respondent responded to Appellant’s October 2nd Filings to alert the Court to the non-compliance of Appellant’s October 2nd Filings and offer the Filings as additional grounds for granting Respondent’s pending Motion to Dismiss this Appeal. (hereinafter “Supplemental Memo”). On October 15, 2026, Appellant responded to Respondent’s September 28th Motion to Dismiss Appeal and its October 6th Supplemental Memo by filing a document entitled “Opposition to Respondant’s [sic] Motion to Dismiss Appellate’s [sic] Appeal,” hereinafter referred to as “Appellant’s Return.” Respondent files this Reply to Appellant’s Return.

Legal Argument

Appellant’s Return contains large, unattributed paraphrases and quotes from Respondent’s September 28th Motion to Dismiss and October 6th Memorandum, yet offers no legal authority to excuse the failure of the ROA and Appellant’s Final Brief to comply with South Carolina’s Appellate Court Rules (hereinafter “ACR”). For example, Appellant writes that “[a]s with [State

v.] *Bevilacqua*, Appellant in this matter willfully failed to comply with the Court's Rules and orders." Appellant's Return, p.4. Appellant also writes that pursuant to "*Bauknight* [v. *Pope*], Appellant engaged in bad faith and willful disobedience to the Rules he undertook to obey by choosing to represent himself." Id. Whether Appellant is admitting his wrongdoing or attempting to explain the Respondent's arguments is unclear in the full context of the Return, but the distinction is ultimately irrelevant. Appellant advances no legal authority or argument that permits the October 2nd Filings to include a Record on Appeal that does not include documents designated by the Respondent and to countenance his revision and expansion of his initial brief into a new Final Brief. Appellant seeks the Court's permission to revise the Filings as good faith mistakes of a *pro se* litigant; however, when these latest violations of the Rules are considered in light of Appellant's persistent failure to meet deadlines, filing of a frivolous motion to include material in the ROA that he neither filed with nor argued to the trial court, and his filing of a certificate of service for the ROA before that document was even produced, Appellant's conduct more than justifies the dismissal of this appeal pursuant to Rules 260 and 269, SCACR and related authority as a sanction for Appellant's deliberate misconduct. Appellant's relevant misfeasance regarding the October 2nd Filings is summarized below.

Record on Appeal ("ROA").

Since the beginning of this appeal, Appellant has refused to produce a Record that contains the pleadings and exhibits which were the gravamen of the ruling Appellant is now appealing. See **Exhibit 5**. Instead, Appellant wanted the ROA to contain material that was neither filed with, nor considered by, the lower court. The material Appellant seeks to exclude with the October 2nd Filings include, *inter alia*, "Plaintiff's *Motion to Compel Discovery* and Plaintiff's *Reply to Defendant's Request for ADR Sanctions*" as well as their ten (10) accompanying joint exhibits.

See Trial Court's Order filed Feb. 15, 2024, p.1 attached as **Exhibit 2**. After Appellant refused to include this material in his Designation of Matters to be Included in the Record, Respondent was forced to file a competing Designation to include that material in the ROA. See **Exhibit 6**. In his Return, Appellant claims this "Court has the actual filing before it and is fully capable of determining whether Appellant's arguments have a legitimate legal and procedural basis." Appellant's Return at p.5. Appellant's hollow words in his Return offer "no legal and procedural basis" basis why any documents designated by the Respondent, much less documents and evidence specifically referenced in the Order appealed from, should or could be excluded from the ROA. Instead, Appellant's year long delay in producing the ROA, and his deliberate exclusion of documents he knew should have been included, is evidence of the bad faith in which Appellant has conducted himself during this appeal.¹

Appellant Misrepresented the Filing of the ROA to the Court.

The final initial brief was filed by the Respondent on August 6, 2025. **Exhibit 3**. Pursuant to Rule 210(a), SCACR, the ROA was originally due on September 5, 2025. Appellant missed that deadline, but filed a motion on September 8, 2025 to strike Respondent's Initial Brief and otherwise sanction the Respondent. See **Exhibit 13**. The September 8th Motion also sought to include documents in the ROA that Appellant designated, but had not filed with or presented to the lower court. Appellant also sought to exclude Respondent/Plaintiff's material that was actually filed with the lower court and considered in reaching the order appealed from. This Court denied Appellant's September 8th Motion by Order dated November 18, 2025, but granted Respondent's

¹ Appellant's bad faith tactics and frivolous filings are not unique to this appeal. As the defendant in the case below, Appellant was sanctioned, inter alia, for his bad faith by the trial court based on the very pleadings and evidence he now seeks to exclude from the ROA. "I FIND that [Respondent/Plaintiff] has demonstrated by clear, convincing and substantial evidence that it was prejudiced by [Appellant/Defendant Ragsdale's] failure to respond to discovery and that [Respondent] has incurred substantial costs due to [Appellant/Defendant's] willful disregard for his obligations under the South Carolina Rules of Civil Procedure." **Exhibit 2** at pp. 6-7.

request to exclude Appellant's documents that had not been considered by the trial Court. See **Exhibit 7**. Although the stay created by the Appellant's filing of the September 8th Motion was lifted by the Court's Order of November 18, 2025, Appellant did not file an ROA in either November or December of 2025 or January of 2026 as required by Rule 210(a), SCACR. In fact, Appellant filed nothing in the matter through February of 2026 thereby requiring Respondent to file its first Motion to Dismiss Appeal on February 27, 2026 in order to try and compel Appellant's compliance with the Rules and resume the briefing process that had stood idle for almost four (4) months as the parties could not proceed without an ROA. See **Exhibit 8**. The Court eventually dismissed Respondent's February 27th Motion to Dismiss by Order issued on June 9, 2026, but required that "Appellant must provide proof of service for the Record on Appeal within 20 days of the date of this order or the appeal will be dismissed." **Exhibit 9** at p.1. Appellant didn't file an ROA by the Court's June 29, 2026 deadline, but filed a "proof of service of the record on appeal" on August 24, 2026.² **Exhibit 10**. Respondent's counsel immediately reported this fraud upon the Court by letter dated August 26, 2026 informing the Court that no Record on Appeal had been received by Respondent via mail, email or any other method. **Exhibit 11**.

In his Return, Appellant disputes "Respondent's characterization of the certificates of service [for the ROA] as intentional misrepresentation to this Court. Appellant's position is that the documents were sent by mail ... but the intended delivery to the Court and Respondent's counsel did not occur because of an apparent mailing or delivery problem." Respondent's Return at p.7. Appellant does not explain the mechanism that prevented the delivery of the ROA to both the Respondent and the Court, nor does Appellant explain why he did not email the ROA to the Court for filing as he has done with most, if not all, of his other documents in this appeal.

² As discussed above, Appellant only filed a document purporting to be the ROA on October 2, 2026.

Respondent maintains that no such mailings occurred as the certificates of service claim. Respondent's counsel disputed the ROA's purported service on August 26, 2026, yet Appellant made no effort to resend the ROA thereafter. It was not until the Court's letter of September 22, 2026 establishing October 2, 2026 as a final deadline for the filing of the ROA and Appellant's Final Brief that Appellant produced and filed documents purporting to be an ROA and Final Brief via email on October 2, 2026, the last day of the deadline set by the Court September 22nd Letter.

Substantially Rewriting the Initial Brief as a Final Brief.

Appellant offered the following explanation for substantially rewriting his initial brief:

Appellant acknowledges that Rule 211(b), SCACR limits changes to a Final Brief to revised references to the Record on Appeal and correction of obvious typographical errors and misspellings [nevertheless] Appellant prepared and filed the October 2, 2026 Final Brief for the purpose of clarifying his original appellate arguments.

Appellant's Return at p.11. As Respondent set forth in its Supplemental Memorandum in Support of Respondent's Motion to Dismiss Appeal, filed October 6, 2026 and incorporated in its entirety into this Reply, Appellant's Final Brief is no mere "clarification," it is a substantial expansion of his initial brief which introduces new legal and factual substance to Appellant's initial arguments, none of which was raised in any way to the trial judge. Appellant's admission that he did not comply with the Rules comes with a plea that this Court allow him to refile documents to comply with the Rules without any consequences for his previous misdeeds. Respondent, who has endured a long delay and substantial expense combating Appellant's frivolous filings and dilatory tactics strongly opposes this request and asks this Court to dismiss this appeal as required by Rules 260 and 269, SCACR and related authority set forth in Respondent's Motion to Dismiss and Supplemental Memo to that Motion.

Conclusion

Respondent Crescent Roofing & Remodeling, LLC seeks the dismissal this Appeal with prejudice pursuant to Rule 260, SCACR and related authority due to Appellant's willful disobedience and gross indifference to this Court's Rules and orders. Additionally, this Court should dismiss this appeal as a sanction of Appellant Eric Ragsdale pursuant to Rule 269, SCACR due to his frivolous filings and deleterious tactics in objecting to the clear meaning of the South Carolina Appellate Court Rules in order to delay, for almost two (2) years, the simple requirements of producing a Record on Appeal and a Final Brief, both essentially ministerial acts that Appellant now asks for additional time to try again. In addition to his failure to comply with the Rules to perfect an appeal, Appellant repeatedly attempted to have this appeal decided on grounds other than what was considered by the trial judge as well as deliberately misrepresenting the initial filing of the Record on Appeal by producing a false certificate of service to claim compliance with the Rules and this Court's orders. In *Bauknight v. Pope*, 445 S.C. 408, 914 S.E.2d 848 (2025), the Supreme Court characterized a "pattern of frivolous filings and repeated attempts to delay" as a willful demonstration of bad faith. The Court went on to specify severe sanctions, such as striking a pleading or in this case an appeal, as an appropriate remedy. The lower court found such a remedy to be an appropriate response to Appellant's misconduct during discovery and in the filing of baseless counterclaims to move the underlying matter from magistrate to circuit court. The Respondent asks this Court to impose a similar punishment for Appellant's similar conduct in this appeal.

<<< Signature Page Follows >>>

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20 October 2026

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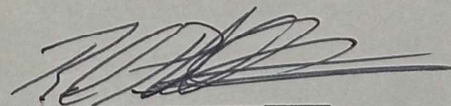
Eric Ragsdale, Appellant.

CERTIFICATE OF SERVICE

Documents Hereby Served of the Appellant:

- 1) **RESPONDENT'S REPLY TO RETURN TO MOTION TO DISMISS THIS APPEAL**
- 2) **PROOF OF SERVICE.**

On behalf of **Respondent Crescent Roofing & Remodeling LLC**, Respondent in the above-captioned matter, I hereby certify that I have served a copy of the aforementioned documents upon **Appellant Eric Ragsdale** by emailing him the aforementioned documents to email address **ericragsdale60@gmail.com** and depositing copies of same into the United States Postal Service in an envelope address to Eric Ragsdale, 121 Shumpert Road, West Columbia, SC 29172 with sufficient postage attached on this **20TH day of October, 2026.**



Robert B. (Sam) Phillips, Esq.

Columbia, South Carolina