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Jun 15 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2022-000276

C.A. No. 2017-CP-36-00385

Allen L. Murray, Christy Worthy Brown, Michael Adam Brown,..... Appellants,

v.

Newberry County, South Carolina,.....Respondent.

MOTION TO DISMISS APPEAL

Appellants filed their notice of this appeal on March 7, 2022, and on that same day requested from the court reporter a transcript of the final circuit court hearing in this case.

On May 17, 2022, this Court by letter asked Appellants about the status of their transcript request and their initial brief. In response, on May 20, 2022, Appellants filed a motion for an additional ten days (that is, until May 30, 2022) in which to file their initial brief and designation of matter.

In their motion, Appellants stated that their counsel had received the requested transcript on March 9, 2022. Pursuant to SCACR Rule 208(a)(1), their initial brief and designation of matter was due on April 8, 2022. Appellants represented in their motion that, upon receipt of the transcript, they “inadvertently did not calendar receipt of the transcript, allowing the thirty (30) day period to

file . . . to expire.” Appellants also stated that “Counsel for Appellants are now finalizing their Initial Brief and Designation of Matter and will file them next week” (that is, the week of May 23 through May 27). In light of that representation, the Respondent did not respond to Appellants’ motion for additional time.

We are now at June 15 – nearly ten weeks after Appellants’ initial brief and designation of matter were due; in the third week after the week in which Appellants were, pursuant to their representation to the Court and the Respondent, to belatedly file those required documents; and 16 days after expiration of Appellants’ requested (but not yet granted) extension.

SCACR Rules 208(a)(4) and 260(a) require that this appeal now be dismissed by the Clerk of this Court.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

By: s/Steve A. Matthews

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HSB 7281110 v.4

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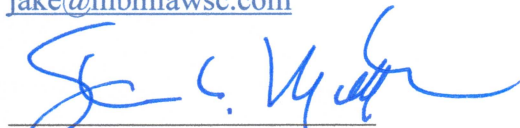
Newberry County, South Carolina,.....Respondent.

PROOF OF SERVICE

I certify that on June 15, 2022, I have served the **Motion to Dismiss Appeal** upon the below listed counsel of record via email and U.S. Mail, at the addresses shown below.

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June 15, 2022

VIA USPS FIRST CLASS MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
Jun 15 2022
SC Court of Appeals

Re: Allen L. Murray, et al. v. Newberry County, South Carolina
Appellate Case No. 2022-000276
HSB File No. 03657.0074

Dear Ms. Kitchings:

Enclosed please find a check to the Court in the amount of \$50.⁰⁰ for the required filing fee in connection with Respondent's Motion to Dismiss Appeal, that I have earlier today filed by email in accordance with the Supreme Court's Order of March 20, 2020 (as amended May 29, 2020).

With best regards, I remain

yours truly,



Steve A. Matthews

Enclosure

Copy (w/o enclosure) to: All counsel of record
HSB 7282374 v.2