

RECEIVED
Jun 28 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.

**RESPONDENT’S REPLY TO APPELLANTS’ RETURN TO
MOTION TO DISMISS APPEAL**

In their Return to Respondent’s Motion to Dismiss Appeal, the Appellants note that they had filed (more than a month after the due date) a motion (not yet decided by the Court) for an extension of time in which to file their initial brief and designation of matter for the record, and that they had filed (after the Motion to dismiss, more than two months after the original due date, and three weeks after the date promised in their motion for extension) that initial brief and designation.

The Appellants’ return to the Motion to Dismiss is inadequate because it does not even address, much less clear the hurdle of, the applicable standard set forth by the South Carolina Rules of Appellate Procedure.

The Appellants' time for filing their initial brief and designation had expired long before they filed a motion for an extension. Even had they filed the motion before the expiration of that time, such filing would not have stayed the deadline. SCACR, Rule 240(b). Consequently, the Appellants' filing of their initial brief and designation on June 17, 2022, was ten (10) weeks past due.

When a brief is not filed on time, the Clerk of this Court has a nondiscretionary duty to dismiss the appeal: "the clerk of the appellate court shall sign an order dismissing the appeal." [*Underscoring added.*] SCACR Rule 208(a)(4); see also Rule 260(a) (where an appellant fails to comply with the Rules, "the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court"). Upon such dismissal, in order to reinstate the appeal, the appellant must show "good cause." SCACR, Rules 208(a)(4) and 260(a).

The Appellants' response to the Motion to Dismiss does not address the "good cause" requirement and does not present any evidence to suggest the presence of "good cause." Consequently, this appeal should be dismissed and not reinstated unless and until the Appellants request reinstatement and show good cause therefor.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

By: s/Steve A. Matthews

Steve A. Matthews

South Carolina Bar No. 3689

P.O. Box 11889

Columbia, South Carolina 29211-1889

803.540.7827

smatthews@hsblawfirm.com

Counsel for Respondent Newberry County, South Carolina

July 28, 2022

RECEIVED

Jun 28 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.

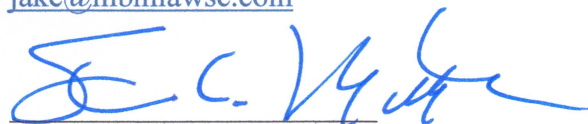
Newberry County, South Carolina,.....Respondent.

PROOF OF SERVICE

I certify that on June 28, 2022, I have served the **Respondent's Reply to Appellants' Return to Motion to Dismiss Appeal** upon the below listed counsel of record via email and U.S. Mail, at the addresses shown below.

Samuel M. Price, Jr., Esq.
PO Drawer 836
1413 Main Street
Newberry, South Carolina 29108
ramona@nicholspricelaw.com

S. Jahue Moore, Esq.
Moore Bradley Myers, PA
PO Box 5709
1700 Sunset Boulevard
West Columbia, South Carolina 29171
jake@mbmlawsc.com



Steve A. Matthews, SC Bar No. 3689

**HAYNSWORTH
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.
1201 MAIN STREET, 22ND FLOOR (29201-3226)
P.O. BOX 11889 (29211-1889)
COLUMBIA, SOUTH CAROLINA
MAIN 803.779.3080
FAX 803.765.1243
www.hsblawfirm.com

STEVE A. MATTHEWS
DIRECT 803.540.7827
smatthews@hsblawfirm.com

June 28, 2022

VIA EMAIL

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

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 for filing, please find Respondent's Reply to Appellants' Return to Motion to Dismiss Appeal.

With best regards, I remain

yours truly,



Steve A. Matthews

Enclosure

cc: All counsel of record

RECEIVED
Jun 28 2022
SC Court of Appeals