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Sep 26 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

The Honorable Roger M. Young, Circuit Court Judge

Case No. 2022-001065

William Bruce Hickman Sr., ..... Appellant,

v.

Fred Edwin Amaker, ..... Respondent.

**MOTION TO DISMISS**

Respondent, Fred Edwin Amaker, by and through undersigned counsel, respectfully move this Court to dismiss this appeal.

Appeals from the Circuit Court are governed by South Carolina Appellate Court Rules.

When an appellant fails to comply with the appellate authority dismissal of the appeal can be an appropriate remedy. Appellant has violated the South Carolina Appellate Court Rules in the following ways:

1. Appellant failed to submit a request for transcript within the allotted time. Rule 207(a)(1) states that a transcript for appeals from a Lower Court must be ordered and the “appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. In appeals from the court of common pleas, masters-in-equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal.” The notice of appeal was filed

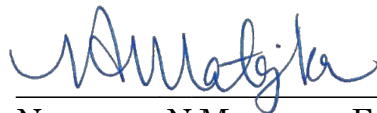
on August 2, 2022, and the Appellant failed to request a transcript until August 31, 2022, 19 days past the allotted 10 days granted by the South Carolina Appellate Court Rules.

2. Appellant failed to serve all parties with notice as required by Rule 262(c) and Rule 207(a)(1) Appellant only provided Respondent with court cover letter and no supporting documents when serving notice of Appeal.
3. Appellant failed to provide proof of service when filing the transcript request form with the Court violating Rule 262(b) that states “document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties”
4. Appellant submitted an email requesting the transcript but has failed to submit a motion to the Court requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules.

### CONCLUSION

The grounds for this motion are the significant failures of the Appellant to comply with the requirements of the South Carolina Appellate Court Rules. The Appellant has been provided the grace of the Court multiple times as he has failed to follow the South Carolina Appellate Court Rules even following the Court’ reminder through letters of deficiency. For these reasons, Respondent requests that the Court dismiss this appeal in its entirety.

September 26, 2022



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**PROOF OF SERVICE**

I, the undersigned Nataliya N Matejka, herby certify that on the 27th day of September 2022, I have served the within MOTION TO DISMISS upon the Appellant by placing a copy of same in the U.S. Mail, postage prepaid, addressed to the Appellant at:

William Bruce Hickman, Sr.  
332 Holly Avenue  
Goose Creek, SC 29445

I further certify that all parties required by Rule to be served have been served.

September 26, 2022

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