

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Kristi Lea Harrington, Circuit Court Judge

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Case No. 2011-CP-10-1528

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Cynthia McNaughton, .....Respondent,  
v.  
Charleston Charter School for Math And Science, Inc., .....Appellant.

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**APPELLANT'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS  
APPEAL**

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August 30, 2012

*Thomas Bailey Smith*

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Thomas Bailey Smith  
1110 Queensborough Blvd., Ste. 103  
Mt. Pleasant, South Carolina 29464  
843-330-8877

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SEP 04 2012  
**SC Court of Appeals**

## I. ARGUMENT

Respondent first argues that this appeal should be dismissed because the Appellant failed to Order the transcript within ten (10) days of the date when the Appeal was filed. As indicated by Respondent's Proof of Service filed with this Court, the Appeal was mailed and served on July 3, 2012. On file with this Court is Respondent's July 4, 2012, letter addressed to the court reporter which requests a copy of the transcript, which letter was also mailed to/filed with this Court and served on Respondent's counsel. Therefore, the facts are not disputed that the Appellant ordered the transcript within one (1) day after filing the Appeal and satisfied the ten (10) day rule set forth in Rule 207, SCRAP. Thus Respondent cannot succeed on this issue.

Respondent next argues that the Respondent failed to file its Initial Brief within 30 days of July 6, 2012. Because Appellant's Initial Brief is not due until 30 days after receiving the transcript that was ordered on July 4, 2012, Rule 208(a), SCRAP, and because Respondent has not yet received the transcript (which is due September 4, 2012, absent an extension to the court reporter granted by the Court), its Initial Brief is not yet due. Again, based upon the undisputed facts the Respondent cannot succeed on this issue.

The lower court granted the Appellant's motion to stay the execution of judgment in this case pursuant to Rule 62, SCRCR. The Respondent did not appeal or otherwise move to have such judgment vacated or set aside.

Respondent requests attorney fees pursuant to Rule 269, SCRAP, for this frivolous Motion which is not supported by the facts or the law.

*Thomas Bailey Smith*

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PROOF OF SERVICE

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I certify that I have served the APPELLANT'S RESPONSE TO  
RESPONDENT'S MOTION TO DISMISS APPEAL on the Respondent by depositing a  
copy of it in the United States Mail, postage prepaid, on August 31, 2012, addressed to  
her attorneys of record, Nancy Bloodgood and Lucy Sanders, 895 Island Park Drive,  
Suite 202, Daniel Island, South Carolina 29492.

August 31, 2012



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**Thomas Bailey Smith, Esq.**

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August 31, 2012

Jeanette F. Barber  
Clerk of Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: McNaughton v. Charleston Charter School for Math and Science, Inc.  
Case No. 2011-CP-10-1528

Dear Ms. Barber:

My office represents the Appellant, Charleston Charter School for Math and Science, Inc., in the above-referenced matter. Enclosed for filing please find APPELLANT'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS APPEAL and my office's Proof of Service.

Please contact my office if you have any questions.

With kindest regards,



Thomas Bailey Smith  
TBS:ts  
Encs.

Cc: Nancy Bloodgood, Esq. (w/encs.)  
Lucy Sanders, Esq. (w/encs.)

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