

**RECEIVED**

**Mar 02 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Honorable William P. Keesley, Circuit Court Judge

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Case No.: 2018-CP-32-03945

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Jason A. Evans & Jessika L. Joye,

Respondent,

v.

Kimberly Ayer & Keith Ayer,

Appellant.

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**MOTION TO DISMISS & REMAND**

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Pursuant to SCACR 203(B)(1) the NOTICE OF APPEAL filed March 1, 2023 is untimely and this court lacks jurisdiction to entertain the Appeal in this case.

Judgment in the underlying case was entered January 27, 2023. Notice of Electronic Filing (NEF) was duly transmitted on January 27, 2023 (Attached as Exhibit A). NEF constitutes service of written notice under the South Carolina Electronic Filing Policies and Guidelines Rule 4(e)(2). The failure to timely file a Notice of Appeal deprives the Appellate Court of Jurisdiction to hear the matter. Mears v. Mears, 287 S.C. 168, 337 S.E.2d 206 (1985). Thirty (30) days from January 27, 2023 is February 26, with the Notice of Appeal due on February 27, 2023.

Accordingly, Appellant's Notice of Appeal should be dismissed and the case remanded to circuit court.

March 2, 2023

S/ William James LaLima (SC Bar #15276)  
1635 Sunset Blvd.  
Columbia, SC 29169  
(803) 807-6292  
Bill@LawLima.com

ATTORNEY FOR RESPONDENT

## Certificate of Electronic Notification

### Recipients

**Ryan Lane** - Notification transmitted on 01-27-2023 02:03:09 PM.

**William LaLima** - Notification transmitted on 01-27-2023 02:03:09 PM.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

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**A filing has been submitted to the court RE:** 2018CP3203945

**Official File Stamp:** 01-27-2023 02:03:03 PM

**Court:** CIRCUIT COURT

Common Pleas

Lexington

**Case Caption:** Jessika L Joye , plaintiff, et al VS Kimberly Ayers  
, defendant, et al

**Document(s) Submitted:** Order/Damages Order/Judgment and Form 4

**Filed by or on behalf of:** William P. Keesley

This notice was automatically generated by the Court's auto-notification system.

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**The following people were served electronically:**

Ryan W. Lane for Kimberly Ayers et al

William James LaLima for Jessika L Joye et al

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

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**CERTIFICATE OF SERVICE**

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The undersigned certifies that Respondents' MOTION TO DISMISS & REMAND was duly served on Attorney for Appellants on March 2, 2023 by transmitting a copy to his AIS email, Ryan Lane <Ryan@lanelawsc.com>.

March 2, 2023

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