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Mar 23 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Judge Diane S. Goodstein, First Judicial Circuit

Appellate Case No. 2022-001462

Daryl Parker, Appellant

v.

Orangeburg County, Respondent

MOTION TO DISMISS THE APPEAL UNDER RULE 260(a), SCACR

YOU WILL PLEASE TAKE NOTICE, RESPONDENT, by and through its undersigned attorney, hereby requests this Court dismiss this appeal, in its entirety, for failure to comply with the South Carolina Rules of Appellate Procedure.

On August 16, 2022, Judge Diane S. Goodstein entered an Order granting Summary Judgment to the Respondent (Orangeburg County), in Case Number: 2021CP3800106, dismissing the case in its entirety. On September 26, 2022, Judge Goodstein entered an Order denying Appellant's Motion for Reconsideration. On October 14, 2022, Appellant filed a Notice of Appeal and served a copy on Respondent.

Pursuant to Rule 207(a)(1), SCACR, Appellant should have notified Respondent within ten days that Appellant had requested the transcript. To date, Respondent has not received such notice.

There is further currently an entry on the C-Track website that shows that the transcript was delivered on February 8, 2023. This entry was made on February 21, 2023. This means more than thirty days have elapsed since the receipt of the transcript, according to this entry, and Appellant has failed to file or serve any Initial Brief, nor has Appellant requested any extension of time, in violation of Rule 208(a)(1), SCACR.

Respondent requests that the Appeal be dismissed pursuant to Rule 260(a), SCACR, for failure of Appellant to comply with the South Carolina Rules of Appellate Procedure.

Respectfully submitted,

March 23, 2023

By: s/Alison Dennis Hood
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Alison Dennis Hood
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PROOF OF SERVICE

The undersigned certifies that a copy of the March 23, 2023 Motion to Dismiss has been served upon counsel of record for the Appellant using their primary email addresses listed in the Attorney Information System, as shown below, on March 23, 2023:

Skyler B. Hutto: skyler@williamsattys.com, **Attorneys for Appellant**

March 23, 2023

Respectfully Submitted,
s/Alison Dennis Hood
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March 23, 2023

Via E-Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court for the Court of Appeals
Post Office Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

Re: *Daryl Parker v. Orangeburg County*
Appellate Case Number: 2022-001462
Motion to Dismiss

Dear Mrs. Kitchings,

Please find attached Orangeburg County's motion to dismiss this appeal, pursuant to Rule 260(a), SCACR. By electronic copy of this letter, I am serving all counsel of record as stated below.

Pursuant to Order 2020-05-29-02, the \$50.00 filing fee is being mailed to the Court within five days of the date of this electronic filing. Please let me know if you have any questions or concerns.

Sincerely,

Alison Dennis Hood

ADH

cc: Skyler B. Hutto