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**Apr 10 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas Court

Benjamin H. Culbertson, Circuit Court Judge

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Appellate Case No. 2022-000513

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Kevin Penland,

Appellant,

v.

Key Largo Mobile Home  
Park,

Respondent.

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**MOTION TO DISMISS**

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The Respondent, Key Largo Mobile Home Park, by and through its undersigned counsel, hereby requests an order dismissing Appellant's appeal. In support of this motion, the Respondent shows the following to the Court:

Upon review of this case, the deadline to timely file the Record on Appeal, pursuant to Rule 210(a), SCACR, has expired by several days. This Rule places the burden on the appellant to serve a copy of the Record on Appeal on each party who has served a brief, within thirty (30) days after service of the last brief. As Appellant filed his Reply Brief on March 6, 2023, he had until April 6, 2023, to file the Record on Appeal or otherwise move this Court for an extension.

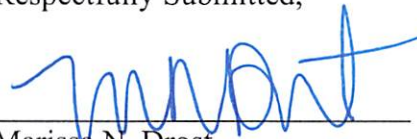
The Supreme Court of South Carolina has previously held that "the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to

provide material that complies with the Rules and facilities appellate review.” *Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992).

Pursuant to Rule 260, SCACR, “[w]henver it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal...” Therefore, this matter should be dismissed for failure to abide by the South Carolina Appellate Court Rules.

**WHEREFORE**, the Respondent respectfully submits that good cause exists for the Court to dismiss this Appeal, and moves that the Court enter an Order of dismissal in this matter.

Respectfully Submitted,



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Attorney for Respondent

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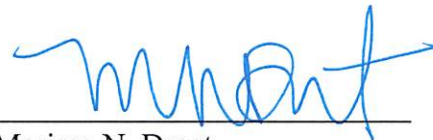
Key Largo Mobile Home Park,

Respondent.

**CERTIFICATE OF SERVICE**

I certify that I have served Respondent's Motion to Dismiss on Appellant by depositing a copy of same in the United States Mail, postage prepaid, on April 10, 2023, addressed to Counsel of Record for Appellant, as indicated below, and via email to [tucker@playerlawfirm.com](mailto:tucker@playerlawfirm.com)

Tucker Player, Esquire  
Player Law Firm, LLC  
512 Village Church Drive  
Chapin, SC 29036



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*attorneys & counselors at law*

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Dalton B. Floyd, Jr.\* | Collin R. Jewell | T. Jarrett Bouchette ^  
Patricia H. Anderson | Jonny McCoy • | Fatjon Cake | Marissa N. Drost | Bradley A. Floyd •

April 10, 2023

**Via First-Class U.S. Mail and E-Mail to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

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

RE: Kevin Penland v. Key Largo Mobile Home Park  
Appellate Case No.: 2022-000513

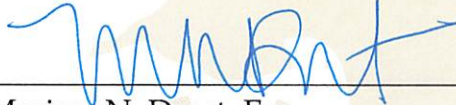
Dear Ms. Kitchings:

With regard to the above matter, please find enclosed herewith Respondent's Motion to Dismiss, along with the filing fee of \$50.00. Also enclosed is our Certificate of Service upon Counsel of Record for the Appellant.

Thank you for your cooperation and assistance in this matter.

Very truly yours,

**THE FLOYD LAW FIRM PC**

  
\_\_\_\_\_  
Marissa N. Drost, Esq.

✓ Enclosures

cc: Tucker Player, Esq.  
Jason Boan, Esq. (via email)  
Client (via email only)

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