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Apr 19 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas Court

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2022-000513

Kevin Penland,

Appellant,

v.

Key Largo Mobile Home Park,

Respondent.


RETURN TO APPELLANT'S MOTION TO ALLOW LATE FILING

The Respondent, Key Largo Mobile Home Park, by and through its undersigned counsel, hereby files this Return to Appellant's Motion to Allow Late Filing, in compliance with Rule 240(e), SCACR. In support of this Return, Respondent would rehash the arguments made in its Motion to Dismiss; however, rather than create duplicative filings for this Court to review, Respondent would simply point out by Appellant's own admission, he acknowledged missing the deadline to file the Record on Appeal, and, in fact, realized his error one (1) day late, but failed to move before this court until five (5) days had elapsed.

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, Appellant's Motion should be denied and this matter 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 deny Appellant's Motion to Allow Late Filing.

Respectfully Submitted,



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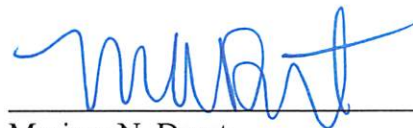
Key Largo Mobile Home Park,

Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the Respondent's Return to Appellant's Motion to Allow Late Filing by depositing a copy of same in the United States Mail, postage prepaid, on April 19, 2023, addressed to Counsel of Record for Appellant, as indicated below, and via email to tucker@playerlawfirm.com.

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