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Jun 02 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Letitia H. Verdin

Appeal No. 2022-001825

Tonia S. Rankin and Matthew Robert Rankin Appellants,

v.

Dynamic Inspection Services, LLC, Richard H. Holmes,
Aubree M. Lewis, The Haro Group of Keller Williams Realty,
Arrow Exterminators, Inc., Chris Sprinkle,
Ronald K. Barton, and Allison Barton Respondents.

**RETURN IN OPPOSITION TO APPELLANTS’
NOTICE OF RECEIPT OF TRANSCRIPT AND
SETTING THE DUE DATE FOR THEIR INITIAL BRIEF**

On April 28, 2023, this Court dismissed this appeal due to Appellants Tonia S. Rankin and Matthew Robert Rankin’s failure to timely order the transcript, despite having been provided multiple opportunities to comply with the South Carolina Appellate Court Rules. Although Appellants moved to reinstate their appeal, Respondents Aubree M. Lewis and The Haro Group of Keller Williams Realty opposed that Motion, and this Court has not yet ruled on Appellants’ Motion to Reinstate.

Nonetheless, Appellants, apparently presuming the appeal has been fully reinstated, have notified the Court and Respondents of their receipt of the transcript and

set the due date for their Initial Brief and Designation of Matter. Appellants' Notice is, at best, premature.

This appeal was dismissed pursuant to Rule 260(a) for Appellants' repeated failure to comply with this Court's rules, and Appellants have not demonstrated good cause for it to be reinstated. As was noted previously, under Rule 260(a), an appeal "*shall not* be reinstated except by leave of the court, upon good cause shown, after notice to all parties." 260(a), SCACR (emphasis added). The fact that Appellants have now finally ordered and received the transcript of the proceedings below does not change the fact that they have not and cannot demonstrate good cause. Not only did Appellants fail to demonstrate good cause, they repeatedly communicated with this Court without including all parties.

This Court should dismiss Appellants' Notice of Receipt of Transcript and attempt to set a briefing date. At a minimum, this appeal should be held in abeyance until the Court rules on Appellants' Motion to Reinstate which, in any event, should be denied.

June 2, 2023

Respectfully submitted,

MCANGUS GOUDELOCK & COURIE, LLC

s/Helen F. Hiser

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*Attorneys for Respondents Aubree M. Lewis and
The Haro Group of Keller Williams Realty*

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Ronald K. Barton, and Allison Barton Respondents.

PROOF OF SERVICE

I certify that I have served Respondents Aubree M. Lewis and The Haro Group of Keller Williams Realty’s Return in Opposition to Appellants’ Notice of Receipt of Transcript and Setting the Due date for their Initial Brief, on Appellants Tonia S. Rankin and Matthew Robert Rankin and other counsel of record, by emailing it as follows:

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June 2, 2023

s/Helen F. Hiser

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Reply To

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June 2, 2023

Via S.C. Courts E-Filing

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: Tonia S. Rankin and Matthew Robert Rankin v. Dynamic Inspection Services, LLC., Richard H. Holmes, Aubree M. Lewis, The Haro Group of Keller Williams Realty, Arrow Exterminators, Inc., Chris Sprinkle, Ronald K. Barton, and Allison Barton
Civil Action No.: 2019-CP-23-02554 (Greenville)
Date of Incident: April 18, 2018
Carrier Claim No.: HG-06-19-000010
MGC File No.: 22086.19002
Appeal No.: 2022-001825

Dear Ms. Kitchings:

Enclosed please find the original of Respondents Aubree M. Lewis and The Haro Group of Keller Williams Realty's Return in Opposition to Appellants' Notice of Receipt of Transcript and Setting the Due date for their Initial Brief, and the Proof of Service in the above-referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Helen F. Hiser

Enclosures

cc: Tucker S. Player, Esq. (via email)
Max T. Hyde, Jr., Esq. (via email)
Ryan A. Earhart, Esq. (via email)