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Jun 22 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of Common Pleas
Frank R. Addy, Jr., Circuit Judge

Laurens County

Case No. 2021-CP-30-00473
Appellate Case No. 2022-001454

Mosi A, Bundu,

Appellant.

v.

Maria Youmans and Dean Youmans,

Respondents.

RESPONDENTS' MOTION TO DISMISS

Pursuant to Rules 208 and 209 of the South Carolina Appellate Court Rules, Respondents, Maria Youmans and Dean Youmans, move the Court to dismiss appellant's appeal due to the fact that the appellant has failed to timely serve his initial brief and designation of matter to be included in the record on appeal.

On September 28, 2022, the *pro se* appellant, Mosi A. Bundu, filed a Notice of Appeal from the Circuit Court's Order, dated August 28, 2022, dismissing his Complaint. On December 21, 2022, this Court issued an Order granting appellant's motion to order the transcript of proceedings outside of the filing deadline. On January 27, 2023, the Circuit Court Reporter mailed the transcript of proceedings to appellant with the understanding that it would reach him the next day. Appellant is presumed to have received the transcript on January 28, 2023, or within a few

days thereafter. On February 25, 2023, appellant filed a motion with this Court seeking a continuance to allow him to obtain an attorney. On May 16, 2023, this Court issued an Order construing appellant's filing as a motion to hold the timelines in abeyance, and it denied this request. However, the Order gave appellant thirty (30) days from the date of the Order to file his initial brief and designation of matter to be included in the record on appeal. To date, appellant has not served respondent, or apparently attempted to file, his initial brief and designation of matter.

Pursuant to Rule 208(a)(1), SCACR the appellant shall submit his initial brief on all parties to the appeal within thirty (30) days after receiving the transcript. Pursuant to Rule 208(4), SCACR, “[u]pon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal [...]” Pursuant to Rule 209(a), SCACR, “[a]t the same time a party serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter to be Included in the Record on Appeal which shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal.”

As of the date of this motion, it has been over thirty (30) days since the date of this court's Order dated May 16, 2023, and appellant has not served respondent with his initial brief and designation of matter. Moreover, it has been over four (4) months since January 28, 2023, the date appellant may be presumed to have received the transcript of proceedings.

For all of the reasons discussed above, appellant has failed to comply with the deadlines required to prosecute his appeal, and respondent respectfully moves to dismiss the appeal.

[Signature page to follow]

Respectfully submitted,

s/ John D. Harjehausen

John D. Harjehausen, Esquire (SC Bar # 76194)

Clarkson, Walsh & Coulter, P.A.

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Greenville, SC 29606

(864) 232-4400

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Attorney for Respondents

June 22, 2023

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Court of Common Pleas
Frank R. Addy, Jr., Circuit Judge

Laurens County

Trial Court Case No.

2021-CP-30-00473

Appellate Case No. 2022-001454

Mosi A, Bundu,

Appellant.

v.

Maria Youmans and Dean Youmans,

Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is employed by the attorneys for Respondents and that she has served the *pro se* Appellant with a true and accurate copy of Respondents' Motion to Dismiss by depositing a copy of the aforementioned document in the United States Mail, Certified, First Class, in an envelope with due and proper postage affixed thereto and addressed as shown below, this 22nd day of June, 2023:

Mosi A. Bundu
206B Kelly Street
Laurens, SC 29360

(Signature page follows.)



Cathie A. Humberger
Litigation Support Specialist to
James P. Walsh (15180) and
John D. Harjehausen (76194)
Clarkson, Walsh & Coulter, P.A.
P.O. Box 6728
Greenville, SC 29606
(864) 232-4400 Phone
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ATTORNEYS FOR RESPONDENTS

Greenville, South Carolina
June 22, 2023



CLARKSON | WALSH | COULTER
Attorneys at Law

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SC Court of Appeals

James P. Walsh, Esquire
jwalsh@clarksonwalsh.com
(864) 232-4400

June 22, 2023

Via Certified Mail

Mr. Mosi Bundu
206B Kelly Street
Laurens, SC 29360

Re: Mosi A. Bundu v. Maria Youmans and Dean Youmans
Appellate Case No.: 2022-001454

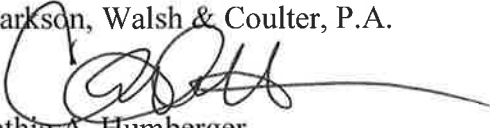
Dear Mr. Bundu:

Please find attached, for service upon you, a copy of Respondents' Motion to Dismiss, filed via email in the South Carolina Court of Appeals on this 22nd day of June, 2023.

Should you have any questions, please do not hesitate to contact us.

Yours very truly,

Clarkson, Walsh & Coulter, P.A.


Cathie A. Humberger
Litigation Support Specialist

Enclosures

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In The Court of Appeals

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Respectfully submitted,

s/ John D. Harjehausen

John D. Harjehausen, Esquire (SC Bar # 76194)

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Attorney for Respondents

June 22, 2023



CLARKSON | WALSH | COULTER

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jwalsh@clarksonwalsh.com
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June 22, 2023

Via E-Mail

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SC Court of Appeals

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

Re: Mosi A. Bundu v. Maria Youmans and Dean Youmans
Appellate Case No.: 2022-001454

Dear Ms. Kitchings:

Please find attached Respondents' Motion to Dismiss for filing in the above-referenced matter, along with our Certificate of Service for same. By copy of this letter, Mr. Bundu is being served with same.

Our firm check number 84718 in the amount of \$50.00 in payment of the filing fee was mailed today via U.S. Mail.

As always, we appreciate your assistance in this matter. Should you have any questions, please do not hesitate to contact us.

Yours very truly,

Clarkson, Walsh & Coulter, P.A.

A handwritten signature in black ink, appearing to read 'Cathie A. Humberger', is written over the printed name.

Cathie A. Humberger
Litigation Support Specialist

Enclosures
cc: (via Certified U.S. Mail)
Mosi A. Bundu
206 B Kelly St
Laurens, SC 29360