

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Aug 09 2023
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2023-00281
Case No. 2022-CP-23-04350

LVNV Funding LLC, Respondent,

Jennifer Lorick Appellant.

RESPONDENT'S MOTION TO DISMISS APPEAL

BACKGROUND

Appellant filed an Appeal of the Honorable Edward W. Miller granting Respondent Summary Judgment on December 9, 2022, and also Denying Appellant's Motion to Reconsider dated January 18, 2023. On March 6, 2023, The Court of Appeals wrote Appellant a letter indicating that the time for ordering the transcript had expired. Appellant filed a Motion to Allow Late Request For Transcript on March 15, 2023, which was granted by the Court of Appeals on April 4, 2023. On June 13, 2023, Appellant filed a Motion for Extension of Time to File Appellant's Initial Brief and Designation of Matter until July 31, 2023. On June 21, 2023, the Court of Appeals granted Appellant an extension to file the initial brief and designation of matter until July 31, 2023. Appellant has failed to comply with this Order, and the Respondent hereby moves for the dismissal of the Appeal based on Appellants' failure to comply with the Court of Appeals' June 21, 2023 Order pursuant to Rule 208(a)(4).

LEGAL DISCUSSION

South Carolina Appellate Court Rule 208(a)(4) states "[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 . . ." (emphasis added). Under the plain reading of the Rule, the Clerk must dismiss this Appeal for

failure to file the required initial brief within the extended time ordered by the Court. As such, the Respondent respectfully requests that this Appeal be dismissed, award it costs, and for such other and further relief as the Court would deem appropriate.

/s/ Britt Travis

Britt Travis S.C. Bar # 69563

Attorney for the Respondent

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2023-000281
Case No. 2022-CP-23-04350

LVNV Funding, LLC,

Respondent,

v.

Jennifer Lorick

Appellant

PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Dismiss Appeal in this case on the parties listed below by depositing a copy in the United States Mail, postage prepaid, on August 9th, 2023, addressed to its attorney of record as follows:

Susan Ingles, Esq.
SC Legal Services
701 S. Main Street
Greenville, SC 29601
Attorney for Appellant

August 9, 2023

/s/ Britt Travis
Britt Travis S.C. Bar # 69563
Attorney for the Respondent
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843-573-4350 (telephone)
843-806-3193 (fax)
BrittT@scott-pc.com

August 9, 2023

Honorable Jenny Abbott Kitchings
P.O. Box 11629
Columbia, S.C 29211

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SC Court of Appeals

RE: LVNV Funding, LLC v. Jennifer L. Lorick
Appellate Case No. 2023-000281

Dear Madame Clerk:

Enclosed for filing in your office are the following:

1. Respondent's Motion to Dismiss Appeal
2. Proof of Service

Sincerely yours,

s/ Britt Travis
Britt Travis, S.C. Bar # 69563

Encl.

Cc: SusanIngles via first class mail