

**RECEIVED**

**Aug 24 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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APPEAL FROM SALUDA COUNTY  
Court of Common Pleas

Debra R. McCaslin, Circuit Court Judge

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Case No. 2023-CP-41-00015  
Appellate Case No. 2023-001032

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Hugh Parks Price, ..... Appellant

v.

Sarah Filler, ..... Respondent

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**MOTION TO DISMISS APPEAL**

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Respondent hereby moves this Court for an Order dismissing this appeal for the failure of the Initial Brief of Appellant to comply with Rule 208, SCACR, and that the Designation of Matter to be included in the Record on Appeal is insufficient under Rule 209, SCACR.

The Initial Brief of Appellant filed on July 26, 2023, fails in many respects to comply with Rule 208, SCACR. The Statement of the Case contained in the Initial Brief of Appellant does not provide a concise history of the proceedings, the date of the commencement of the action, the nature of the action or matter, the nature of the defense or of the response, the date of the trial, and the action of the jury.

Instead, Appellant seeks to use a Statement of the Case only showing a description of email communication with Judge McCaslin's law clerk dealing with the

scheduling of the hearing of the appeal from a jury verdict by the magistrate's court (Judge Freeman). Based upon a focus only of email communications with Judge McCaslin's law clerk, and reference to a letter apparently sent by facsimile only to Magistrate Freeman, Appellant creates arguments and issues in the Initial Brief of Appellant that cannot be considered by the Court of Appeals and prevents Respondent from addressing the only real issues in this appeal.

As for the requirement under Rule 209, SCACR, for the Designation of Matter, Appellant fails to include even the necessary documents as referenced in the Initial Brief of Appellant. Appellant failed to include the Return filed by Magistrate Freeman as required by Rule 18, SCMCR and S.C. Code Ann. §18-7-60, the Magistrates Court File filed by Magistrate Freeman, and the trial exhibits filed by Magistrate Freeman.

Pursuant to Rule 240, SCACR, the filing of this Motion to Dismiss Appeal automatically stays the time limits for perfecting the appeal. If the Motion is denied, Respondent requests that the Court grant a thirty (30) day extension to file the Initial Respondent's Brief and Designation of Matter.

August 24, 2023



William E. Booth III  
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SC Bar No. 771  
Attorney for Appellant

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**PROOF OF SERVICE**

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I certify that I have served the Motion to Dismiss Appeal on August 24, 2023, by emailing a copy of same to Appellant's counsel of record, Rolf M. Baghdady at [rolf@rolfbaghdady.com](mailto:rolf@rolfbaghdady.com). A copy of said email is attached hereto as Exhibit "A".

August 24, 2023



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Attorney for Appellant

# EXHIBIT "A"

**William Booth**

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**From:** William Booth  
**Sent:** Thursday, August 24, 2023 4:07 PM  
**To:** rolf@rolfbaghdady.com  
**Subject:** Price v. Filler – Appellate Case No. 2023-001032  
**Attachments:** Motion to Dismiss Appeal.pdf

## EMAIL MESSAGE

**FROM:** William E. Booth III, Esquire  
Voice Phone: (803) 791-4035

**TO:** Rolf M. Baghdady, Esquire ([rolf@rolfbaghdady.com](mailto:rolf@rolfbaghdady.com))

**DATE:** August 24, 2023

**RE:** Price v. Filler – Appellate Case No. 2023-001032

**OUR FILE NO.:** 5639.2488

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Rolf – Attached in Adobe format for service upon you is a Motion to Dismiss Appeal.

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