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Sep 14 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
The Honorable Courtney Clyburn Pope, Circuit Court Judge
Beaufort County
Trial Court Case No. 2021-CP-07-1078

APPELLATE CASE NO. 2023-000581

James Ware, Alisa Ware, Henry Spahr, Elaine Spahr,
Julie Sanders, William Craig Denny, Jeff Toomer, Allyson Toomer,
Louise E. Davis, Donna Nutty, Thomas J. MacDonald,
Michael G. MacDonald, Susanne B. MacDonald, Arlene Coleman,
William H. McGee, Patti M. MacDonald, Scott M. MacDonald,
Rose F. McGee, Jason DuBose, Amanda DuBose, Ronald L. Broome,
Lawrence E. Jones, D. Diane Burr, Mark H. Thomas, Kelly C. Thomas,
William Matthew Yollo, Nancy H. Yollo, Joseph DeAngelis,
Beth DeAngelis, Shelly Horn, Theodore Brammer, Allison Brammer,
Waymon W. Durden, Constance C. Durden, David C. Powell,

Respondents,

v.

Beaufort County, HPCCA Ferry Company, Inc., and
The Daufuskie Island Ferry Service, LLC,

Defendants,

of which Beaufort County is the Appellant.

RESPONDENTS' MOTION TO DISMISS APPEAL

On August 17, 2023, the Appellant Beaufort County served the Record On Appeal pursuant to SCACR 210. A Proof of Service was appropriately filed with this Court. Final briefs and the Record on Appeal were then due to be filed on September 6, 2023 pursuant to SCACR 210 and 211. Respondents timely filed their Final Brief of Respondent on September 6, 2023. When the Appellant failed to timely file its Final Brief, Reply and the formal Record on Appeal, the Respondents' counsel called counsel for the Appellant and left a telephone message on September 8, 2023, but never received a return call. As of the time of filing of this Motion on September 14, 2023, the Appellant has still not filed its Final Brief, Reply or the formal Record on Appeal.

Respondents thus move this Court, through the Clerk pursuant to SCACR 260(a), to enter an Order of Dismissal of this appeal and Respondents request the case be remitted to the Circuit Court in accordance with Rule 221. Because this Motion is based solely upon the undisputed facts regarding filing dates and the Rules of this Court, no Memorandum in Support nor Affidavit is being filed.

WHEREFORE, the Respondents move this Court to dismiss the Appeal.

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s/Thomas C. Taylor
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Bluffton, South Carolina
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v.

Beaufort County, HPCCA Ferry Company, Inc., and
The Daufuskie Island Ferry Service, LLC,

Defendants,

of which Beaufort County is the Appellant.

PROOF OF SERVICE

I hereby certify that this law firm represents the Respondents in the above-captioned matter and that on the date below, in Bluffton, South Carolina, I served a copy of the forgoing on the following persons via U.S. Mail and electronic mail to their AIS E-mail address:

Documents Served: RESPONDENTS' MOTION TO DISMISS APPEAL

Parties Served:

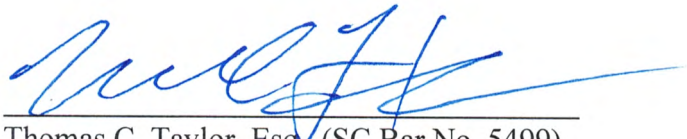
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and

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ATTORNEY FOR HPCCA FERRY COMPANY, INC., and
THE DAUFUSKIE ISLAND FERRY SERVICE, LLC



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Bluffton, South Carolina
September 14, 2023

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SC Court of Appeals

September 14, 2023

Via U.S. Mail and Email Attachment To: ctappfilings@sccourts.org

Honorable Jenny A. Kitchings
Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

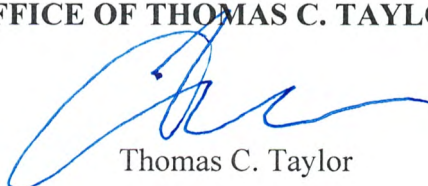
**Re: James Ware, et al. v. Beaufort County, et al., Appellate Case No. 2023-000581;
Respondents' Motion To Dismiss**

Dear Clerk Kitchings:

I represent the Respondents in this matter. I am enclosing herein the Respondents' Motion To Dismiss, which I ask you to please file. I also enclose a Proof of Service and the requisite \$50.00 filing fee.

Thank you. Please contact me at your convenience if you have any questions or need further information.

Yours very truly,
LAW OFFICE OF THOMAS C. TAYLOR, LLC



Thomas C. Taylor

TCT/dpt
Enclosures

cc: Danny Calvert Crowe, Esq., via email transmittal and U.S. Mail
Robert Deeb, Esq., via email transmittal and U.S. Mail
Alisa and James Ware, via email transmittal and U.S. Mail