

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Oct 20 2023

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
In The Circuit Court

G. D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2023-001129

DANNY ROSE,

Respondent,

v.

ROBERT ROSE, GLORIA ROSE-RUCH,
MARY MARGARET DOLL ROSE, and
JOHN DOES 1-99,

of whom ROBERT ROSE, GLORIA ROSE-RUCH,
and MARY MARGARET DOLL ROSE are the

Appellants.

MOTION TO WITHDRAW REMITTITUR

1. This appeal was filed by e-mail of July 13, 2023. By e-mail of July 25, 2023, counsel for Appellant submitted the required form for a Transcript of the hearing requested. {E-mail and form attached.}
2. On July 31, 2023, the above facts were confirmed to this Court with a copy of the above communication. [E-mail of July 31, 2023 attached.]
3. In response to the Clerk's inquiry of October 2, 2023, counsel supplied those items above, together with counsel's response authorizing the Transcript. [E-mail of October 5, 2023 attached.]
4. On October 9, 2023, counsel received the Transcript. [E-mail of October 9, 2023 attached.] He has marked his calendar accordingly for the Initial Brief and Designation of Matter to be included in the Appeal.
5. Yesterday, October 19, 2023, counsel received the Clerk's Order dismissing the case for failure to prove the transcript had been delivered.
6. It is counsel's understanding that a failure to provide proof that the Transcript was delivered is not a good grounds for dismissal. (He would note that he does not recall being required to make that proof in the past in other appeals.)

7. Counsel has followed the procedure required by the Court Administration. He has not caused any delay. No prejudice has been worked to the opposing party. Any delay in this matter was caused by some hold-up by the Court Administration.

8. Counsel would note that the response of the transcriber on October 5, 2023 gave a deadline on its part of 60 days, and this information was supplied to the Court. On this basis, counsel does not understand why the dismissal has appeared on October 19, 2023.

9. Counsel respectfully requests that the remittitur be withdrawn and this appeal reinstated.

October 20, 2023

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
In The Circuit Court

G. D. Morgan, Jr., Circuit Court Judge

Case No. 2022-CP-23-04451

DANNY ROSE,

Respondent,

v.

ROBERT ROSE, GLORIA ROSE-RUCH,
MARY MARGARET DOLL ROSE, and
JOHN DOES 1-99,

of whom ROBERT ROSE, GLORIA ROSE-RUCH,
and MARY MARGARET DOLL ROSE are the

Appellants.

CERTIFICATE OF SERVICE

The undersigned, counsel for Appellants in the civil appeal above, hereby certifies that, on the date written below, he served copies of the following pleadings or documents in the above-captioned and numbered civil action:

Motion to Withdraw Remittitur, with copies of correspondence; and
this Certificate of Service,

by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section (b)(2) of the Order of the Supreme Court dealing with Electronic Filing and Service issued May 6, 2022.

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October 20, 2023

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