

RECEIVED

Nov 02 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
In the Court of Common Pleas

The Honorable Heath P. Taylor, Circuit Court Judge

Appellate Case No. 2023-000600

Yonderfield, LLC,

Respondent,

v.

RI, Inc. And Seating Services, LLC;
Scott Suprina; and John Doe, Shareholders,
Defendants,

Of whom Scott Suprina is the

Appellant.

RETURN TO MOTION TO DISMISS

Appellant Scott Suprina, by and through the undersigned attorneys, hereby moves before this Court to deny the Respondent's Motion to Dismiss. The Appellant received a notice to file an initial brief within ten (10) days on October 16, 2023. On October 18, 2023, the Appellant filed a Motion to Extend Time based on the court reporter receiving an extension from Court Administration to provide the transcript from the trial. The required filing fee was mailed to the Court of Appeals on October 18, 2023. On October 19, 2023, the Appellant received a notice to cure a filing deficiency within ten (10) days. The deficiency was that the Court of Appeals had not received the filing fee for Appellant's Motion to Extend Time as it was not sent out until October 18, 2023. The Court of Appeals deposited the required filing fee on October 26, 2023.

The Motion to Extend Time has not yet been ruled upon by the Court.

Based thereon, the Appellant respectfully requests that the Respondent's Motion to Dismiss Appeal be denied.

Respondent respectfully submits this 2nd day of November 2023.



Christopher D. Kennedy, S.C. Bar #79072
KENNEDY & BRANNON, LLC
Post Office Box 3254
Spartanburg, SC 29304
Telephone: 864-707-2020
FAX: 864-707-2030
Email: chris@kennedybrannon.com
doug@kennedybrannon.com

Attorney(s) for Appellant

Dated: November 2, 2023

Other Counsel of Record:

Skyler B. Hutto
Williams & Williams
1281 Russell St.
Orangeburg, South Carolina 29115
Phone: 803-534-5218
Email: skyler@williamsattys.com
Counsel for Respondent

RECEIVED

Nov 02 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
In the Court of Common Pleas

The Honorable Heath P. Taylor, Circuit Court Judge

Appellate Case No. 2023-000600

Yonderfield, LLC,

Respondent,

v.

RI, Inc. And Seating Services, LLC;
Scott Suprina; and John Doe, Shareholders,
Defendants,

Of whom Scott Suprina is the

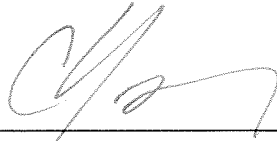
Appellant.

PROOF OF SERVICE

I hereby certify that a copy of the Return to Motion to Dismiss has been served upon the attorney of record by email (as permitted by rule 262(c)(3), SCACR) in this case as follows:

Skyler B. Hutto
Williams & Williams
1281 Russell St.
Orangeburg, South Carolina 29115
Phone: 803-534-5218
Email: skyler@williamsattys.com
Counsel for Respondent

[SIGNATURE LINE ON FOLLOWING PAGE]



Christopher D. Kennedy, S.C. Bar #79072

KENNEDY & BRANNON, LLC

Post Office Box 3254

Spartanburg, SC 29304

Telephone: 864-707-2020

FAX: 864-707-2030

Email: chris@kennedybrannon.com

doug@kennedybrannon.com

Attorney(s) for Appellant

Dated: November 2, 2023