

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-in-Equity

Mikell R. Scarborough, Master in Equity

Case No. 2023-001562

R&R Landscape and Design,
LLC f/k/a R&R Landscape,
Inc and Mark Gonzalez,

Respondent,

v.

The Broadband Companies,
LLC and Fred Anthony,

Appellants.

RETURN TO MOTION TO DISMISS

Pursuant to Rule 240, SCACR, Appellants issue this RETURN to Respondent's Motion to Dismiss asks that this court DENY the relief sought.

THE APPEAL SHOULD NOT BE DISMISSED

The matter should not be dismissed. The Appellant received this Motion from the Respondent on November 2, 2023. The Appeal was originally filed on October 3, 2023 by Dwayne Green.

The Respondents are attempting to argue the merits of the appeal prior to the time for filing briefs. and will raise issues with the Orders that are on Appeal in their brief. Those arguments center on the fact that the second order was filed *ex parte* and would allow the

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receiver power and authority over individuals not parties to this action and would give him the ability to dismantle The Broad Band Companies, LLC.

The Appellants are not seeking to 'run out the clock' as the Respondent is claiming. Mr. Anthony has provided the information requested by the parties to this case. Because he is broke, Mr. Gonzalez is seeking to harass him and make his life miserable if he cannot collect on his judgment.

The Appellants have complied with the Court's instructions and rules. Mr. Green submitted a check for \$200 for the filing fee instead of the \$250 fee. This was an error which has been corrected. As to the transcript, the Respondents already did request the transcripts from the court reporter and the Appellate court has been notified. The time for filing the initial briefs has not yet passed and the Appellants should be afforded the opportunity to argue their case in those briefs instead of in this motion.

As the Appellant has complied with the requirements under the court rules, they request that this court deny the Respondent's Motion and request this case be heard on the merits.

November 7, 2023

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