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Dec 14 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Family Court

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Family Court Case No. 2023-DR-23-0198

Appellate Case No.

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Jeffrey Ellicott Lindley, Respondent,

v.

Sara Elizabeth Lindley, Petitioner,

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**MOTION TO CONFIRM AUTOMATIC STAY  
PURSUANT TO S.C. CODE ANN. § 17-30-110 (A)**

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COMES NOW the Petitioner, Sara Elizabeth Lindley, by and through her undersigned counsel, pursuant to S.C. Code Ann. § 17-30-110 (A), and respectfully moves this Honorable Court to confirm the automatic stay in the above-referenced matter.

**Background and Procedural History**

Petitioner Sara Elizabeth Lindley and Respondent Jeffrey Ellicott Lindley are involved in a pending matter in the Greenville County Family Court (2023-DR-23-0198). Petitioner filed a Motion to Suppress Evidence in this Court on December 14, 2023 [Exhibit 1]. On December 15, 2023, Petitioner will file a copy of the Motion with the Family Court and provided a copy to that Court's Chief Administrative Judge.

South Carolina Code Ann. § 17-30-110 (A) provides that “[a]ll proceedings requiring the use of the contents of any intercepted communication that are the subject of the motion to suppress pursuant to this section are automatically stayed pending the determination of the motion to suppress.” The pending matters in the Family Court all require the use of what Petitioner alleges are illegally obtained evidence, or information derived from illegally obtained evidence, that are the subject of the Motion to Suppress.

Petitioner respectfully requests that this Honorable Court issue an Order confirming the automatic stay pursuant to S.C. Code Ann. § 17-30-110 (A).

**MOONEYHAM BERRY, LLC**



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*Attorney for Petitioner*

December 14, 2023

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**PROOF OF SERVICE**

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I certify that I have served the MOTION TO SUPPRESS EVIDENCE and MOTION TO CONFIRM AUTOMATIC STAY on Respondent, by Electronic Mail, addressed below on December 14, 2023:

**Reid T. Sherard**  
**Jordan W. Peeler**  
E-mail: [rsherard@hsblawfirm.com](mailto:rsherard@hsblawfirm.com)  
E-mail: [jpeeler@hsblawfirm.com](mailto:jpeeler@hsblawfirm.com)

**MOONEYHAM BERRY, LLC**

A handwritten signature in blue ink, appearing to be 'E. Kimberly Berry', written over a horizontal line.

E. Kimberly Berry, SC Bar No. 13286  
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Greenville, SC 29604  
864.421.0036 | Fax 864.421.9060  
kimb@mbllc.com  
*Attorney for Petitioner*

December 14, 2023

Jeffrey Ellicott Lindley v. Sara Elizabeth Lindley [Family Court Case No.: 2023-DR-23-0198]

Larissa Lopez <larissa@mbllc.com>

Thu 12/14/2023 6:02 PM

To: Sherard, Reid <rsherard@hsblawfirm.com>; Peeler, Jordan <jpeeler@hsblawfirm.com>; kngrahamsc@sccourts.org <kngrahamsc@sccourts.org>

Cc: Kim Berry <kimb@mbllc.com>; Johnson, Katie <kmjohnson@hsblawfirm.com>; arhymer@hsblawfirm.com <arhymer@hsblawfirm.com>

📎 3 attachments (731 KB)

Motion to Suppress Evidence - Signed.pdf; Motion to Confirm - Signed.pdf; Proof of Service - Signed.pdf;

Judge Nichols-Graham, Mr. Sherard, and Mr. Peeler:

Please find attached the Motion to Suppress Evidence and Motion to Confirm Automatic Stay regarding the above referenced matter, along with our Proof of Service.

Thank you.



Larissa Lopez  
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