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Dec 14 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable Robert W. Buffington, Special Referee

Appeal No. 2023-001638

Mae McGruder,..... Respondent,

v.

Dollar General Corporation,
d/b/a Dollar General Store #1677 and Janie Davis,.....Appellants.

**APPELLANTS’ RETURN IN OPPOSITION TO
RESPONDENT’S MOTION TO DISMISS**

Pursuant to Rule 240, SCACR, Appellants Dollar General Corporation, d/b/a Dollar General Store #1677 and Janie Davis (“Appellants”) hereby respond in opposition to Respondent Mae McGruder’s Motion to Dismiss. As an initial matter, it is unclear whether Respondent has submitted the required filing fee with this Court for the Motion which, if that is the case, should be dismissed and/or denied for failure to comply with this Court’s Rules. *See* Rules 240(d) and 260(a), SCACR.

Second, in their Motion for Leave to file Motion for Relief from Judgment Pursuant to Rule 60(b), SCRCP, Appellants clearly requested that “while this matter is being resolved by the Circuit Court, all appellate deadlines be stayed.” Respondent was properly served with Appellants’ Motion for Leave and is well-aware of the request that all appellate deadlines be

stayed while this Court considers that Motion. Respondent is also aware that the parties are waiting on this Court to rule on that Motion. Consequently, Respondent's Motion to Dismiss is, at best, meritless and, at worst, frivolous. In either case, the Motion to Dismiss should be denied. To the extent this Court finds that the Motion to Dismiss is frivolous, Respondent should be sanctioned under Rule 269, SCACR, in order to discourage such frivolous filings in the future, which waste both the Court's and the parties' resources.

CONCLUSION

For the reasons stated herein, this Court should dismiss and/or deny Respondent's Motion to Dismiss and, as a sanction, award Appellants' attorney's fees incurred in responding to this frivolous Motion.

Respectfully submitted,

MCANGUS GOUELOCK & COURIE, LLC

December 14, 2023

By: s/Helen F. Hiser
Helen F. Hiser, S.C. Bar No.: 76124
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Attorneys for Appellants

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PROOF OF SERVICE

I certify that on the 14th day of December 2023, I served **Appellants’ Return in Opposition to Respondent’s Motion to Dismiss** on Mae McGruder by emailing a copy of it addressed to her attorney of record:

John D. Clark, Esquire
Clark Law Firm, LLC
22 East Liberty Street
Post Office Drawer 880
Sumter, South Carolina 29151-0880
Email: jclark@theclarklawfirm.com

s/Elizabeth Nettles
Elizabeth Nettles
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200 (29464)
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
*Attorneys for Appellants Dolgencorp, LLC
improperly identified as Dollar General
Corporation d/b/a Dollar General Store #16677
and Janie Davis*

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SC Court of Appeals

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

December 14, 2023

Via S.C. Courts E-filing

The Honorable Jenny Abbott Kitchings
Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

RE: Mae McGruder v. Dollar General Corporation d/b/a Dollar General Store
#16677 and Janie Davis
Civil Action No.: 2022-CP-43-00508 (Sumter)
Date of Incident: October 29, 2019
Carrier Claim No.: 201916549
MGC File No.: 20689.22022
Appeal No.: 2023-001638

Dear Ms. Kitchings:

Enclosed please find the original of Appellants' Return in Opposition to Respondent's Motion to Dismiss, and the Proof of Service in the above-referenced matter.

Please do not hesitate to contact the undersigned if the Court requires additional copies and/or if you have any questions.

Sincerely,
McAngus Goudelock & Courie, LLC



Helen F. Hiser

Enclosures

cc: John D. Clark, Esq.