

# The South Carolina Court of Appeals

Stephen Mueller, Appellant,

v.

South Carolina Department of Health and Environmental  
Control, Carla Varn DuPre, and Jasper B. Varn, III,  
Respondents.

Appellate Case No. 2023-000441

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## ORDER

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On January 10, 2024, Appellant filed a motion for summary judgment because the South Carolina Department of Health and Environmental Control "has not filed a timely [r]ecord on [a]ppeal or a final brief." Appellant also argued he was entitled to summary judgment because Respondents "ha[d] not produced any evidence in fact or law supporting their position." On January 17, 2024, Respondents filed a joint return, opposing Appellant's motion for summary judgment. After careful consideration, we deny Appellant's motion for summary judgment. *See* Rule 210, SCACR (placing responsibility for serving and filing of the record on appeal on an appellant and explaining the record on appeal must include *all* matter designated to be included by any party under Rule 209, SCACR).

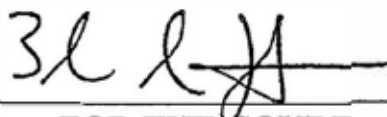
We note the January 10, 2024 motion for summary judgment was Appellant's third motion for summary judgment.<sup>1</sup> Appellant filed his second motion for summary judgment on January 4, 2024. This court previously wrote to Appellant explaining his second summary judgment motion was deficient because (1) the accompanying proof of service was not in compliance with Rule 262(c)(3) of the South Carolina Appellate Court Rules and (2) Appellant did not pay the filing fee. Appellant was afforded ten days to correct these deficiencies. Appellant has not done so. We

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<sup>1</sup> Appellant filed his first motion for summary judgment on November 1, 2023. This court denied the motion on December 7, 2023.

have not taken and will not take any action on Appellant's second motion for summary judgment unless and until these deficiencies are cured.

There remains a pending motion filed by Respondents concerning the record. We will act on that motion once the deadlines for filing any return and reply have passed.



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FOR THE COURT

Columbia, South Carolina

cc:

Stephen Mueller

Bradley David Churdar, Esquire

Mary Duncan Shahid, Esquire

Angelica M. Colwell, Esquire

**FILED**  
**Jan 31 2024**

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