

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Debra R. McCaslin, Circuit Court Judge

Civil Action No.: 2021-CP-26-05745
Appellate Case No.: 2023-00822

Joseph A. Stagar,Appellant,

v.

Deborah Cole,Respondent.

RESPONDENT’S MEMORANDUM IN OPPOSITION TO
APPELLANT’S NOTICE OF RECONSIDER DISMISSAL
AND OBJECTION TO RESPONDENT’S FINAL BRIEF AND
RESPONDENT’S RULE 211 CERTIFICATION

Luther O. McCutchen, III, Esquire
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Myrtle Beach, SC 29577
(843) 449-3411
Attorney for Respondent

Appellant filed Appellant's Notice of Reconsider Dismissal on March 29, 2024. The undersigned, on behalf of Appellant, herein files this Memorandum in Opposition to Appellant's Notice of Reconsider Dismissal.

On December 13, 2023, Appellant filed his Initial Brief, together with his Designation of Matters to be included in the Record on Appeal. On January 10, 2024, the undersigned filed Respondent's Initial Brief and Respondent's Designation of Matters to Be Included in the Record on Appeal. On January 31, 2024, the undersigned received a letter from this honorable Court, addressed to both the Appellant and the undersigned, notifying the parties of the bound copies requirement for the Record on Appeal and for Final Briefs. This letter also set forth requirements for filing both the Record on Appeal and the Final Briefs and further set forth the relevant Rules of Appellate Court.

On February 26, 2024, the undersigned received a copy of a letter addressed from this honorable Court to the Appellant. This letter notified Appellant that the time for filing the proof of service of the Record on Appeal had expired and provided Appellant ten (10) days to provide proof of service of the Record on Appeal, together with a motion to allow late filing and the required filing fee.

On or about March 7, 2024, the undersigned received a copy of Appellant's Final Brief; however, no Record on Appeal has been served. Further, it appears that no Record on Appeal, proof of service thereof, motion for late filing or filing fee has been filed of record. On March 20, 2024, the undersigned received an Order from this honorable Court dismissing the appeal for failure to provide the proof of service of the Record on Appeal. Appellant's Notice of Reconsider Dismissal was received on or about March 29, 2024.

This Court's Order allowed Respondent ten (10) days from the date of its February 26, 2024 letter to comply with Rule 210, SCACR. As of the date of this filing, Respondent has not been served with the Record on Appeal, and a Record on Appeal has not been filed with this honorable Court.

Respondent further objects to Appellant's Final Brief in that it is substantially different from his Initial Brief. Still further, Respondent objects to Appellant's Rule 211 Certification in that Respondent's Final Brief contains matters extraneous and irrelevant to this Appeal.

Respectfully submitted,

McCUTCHEN VAUGHT GEDDIE &
HUCKS, P.A.

s/ Luther O. McCutchen, III

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Attorneys for Respondent

April 17, 2024
Myrtle Beach, SC

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Apr 18 2024

SC Court of Appeals

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PROOF OF SERVICE

The undersigned certifies that he has served Respondent’s Memorandum in Opposition to Appellant’s Notice of Reconsider Dismissal and Objection to Respondent’s Final Brief and Respondent’s Rule 211 Certification on Joseph A. Stagar, pro se Appellant, by depositing a copy of it in the United States Mail, postage prepaid, on April 18, 2024, to his address of record, 9758 Little River Road, NW, Ash, NC 28420.

McCUTCHEM VAUGHT GEDDIE &
HUCKS, P.A.

s/ Luther O. McCutchen, III

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