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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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2024 APR 26 A 9:38

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

CLERK OF COURT
LANCASTER, SC

Brian M Gibbons, #2168 Circuit Judge

Appellate Case No. 2024-000557

RECEIVED

APR 26 2024

SC Court of Appeals

Roberta Moore

Appellant,

v.

Rebecca Giesler,

Respondent.

NOTICE OF APPEAL

The Appellant, Roberta Moore, appeals the order of the Honorable Brian M. Gibbons, Granting Summary Judgment dated March 5, 2024. Appellant received written notice of entry of this order Granting Summary Judgment on March 8, 2024 which indicated a more complete order was to be filed by Respondent's Counsel of Record within 10 days which the Respondent's Counsel of Record failed to do. Appellant received completed order of filing on March 28, 2024, which was after the court mandated deadline ordered in the case disposition by the Honorable Judge Brian M. Gibbons'.

2. Appeal requested based on Respondent's request for discovery was for items that were already a matter of public record on the public index (and/or) authored (and/or) signed by the

Respondent. Respondent abused the discovery process by making unnecessary requests for materials that she already had in possession and by asking questions and for materials that had no relevance to the case. The Respondent's request for discovery was unreasonably cumulative and duplicative and placed more unwarranted burden on the Appellant and should not have been allowed. *Greyhound Corp. v. Sup Ct (Clay) 56 C2d at 384-385*. Answers and materials requested had already been given in previous responses in prior documents served upon Respondent and were all documented on the Public Index as Addendums to previous filings. Documents requested were listed as Addendums in Respondent's initial paperwork on file on the Public Index.

(According to CCP 2019.030, the court shall restrict the frequency of extent of use of a particular discovery method if it determines that

· the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome or less expensive.

· the selected method of discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy and the importance of the issues at stake in the litigation.

3. Appeal requested based on Respondent's request for summary judgment omitted contract addendum that was in dispute which is already a part of the public record and a relevant part of the case as indicated previously by Judge Brian M. Gibbons when he ordered previous

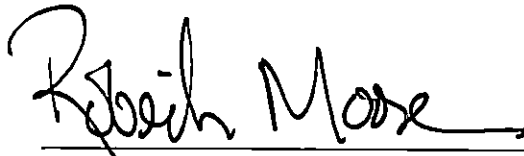
disposition of case on July 25, 2023 where he continued the actions for Breach of Contract and Breach of Contract accompanied by a fraudulent act.

4. Appeal requested based on Respondent's request for summary judgment should not have been granted based on the Respondent breach of contract also being accompanied by a fraudulent act as indicated on the Public Index and also in the case disposition of the Honorable Judge Brian Gibbons issued on July 25, 2023.

According to Rule 56 of the Federal Rules of Civil Procedure, " The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."

This was not the case, because it had already been determined by The Honorable Judge Brian Gibbons that there was enough material fact as a matter of law to proceed based on the case disposition issued on July 25, 2023.

Respectfully Submitted,

A handwritten signature in black ink that reads "Robert Moore". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Robert Moore
3194 Pine Bluff Way
Indian Land, South Carolina 29707
RLMoore413@gmail.com (Email)
803-524-1842 (Telephone)
APPELLANT

(Counsel Of Record for Respondent to appear on next page)

Indian Land, South Carolina

April 26th, 2024

Counsel of Record for
Respondent:
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Attorney for Respondent
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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Rebecca Giesler by depositing a copy of it in the United States Priority Mail, postage prepaid, on April 26th, 2024, addressed to her attorney of record, Jennifer M. Cloud, 1467 Ebenezer Road, Rock Hill, South Carolina 29732.

April 26, 2024



Roberta Moore
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Attorney for Appellant