

**RECEIVED**

MAY 08 2024  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

FILED  
OFFICE OF  
CLERK OF COURT

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

**RECEIVED**

Appellate Case No. 2024-000557

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

Indian Land, South Carolina

April 29th, 2024

Counsel of Record for  
Respondent

Jennifer M. Cloud, Esq.

Cloud Law Firm

1467 Ebenezer Road

Rock Hill, SC 29732

Attorney for Respondent

(803) 693-5721

SC Bar #103939

STATE OF SOUTH CAROLINA  
COUNTY OF Lancaster  
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP009493

RECEIVED

Roberta Moore  
PLAINTIFF(S)

Rebecca Giesler  
DEFENDANT(S)

APR 23 2024

CO COURT OF APPEALS

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

Motion for Summary Judgment GRANTED.

Attorney for Defendant shall prepare a more formal order within 10 days consistent with her arguments and pleadings.

ORDER INFORMATION

This order  ends  does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/05/2024.

Roberta Moore for Roberta Moore  
Rebecca Giesler for Rebecca Giesler  
Rebecca Giesler for Rebecca Giesler  
Roberta Moore for Roberta Moore

NAMES OF TRADITIONAL FILERS SERVED BY MAIL



Lancaster Common Pleas

**Case Caption:** Roberta Moore VS Rebecca Giesler

**Case Number:** 2023CP2900493

**Type:** Order/Electronic Form 4

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge

Roberta Moore  
PLAINTIFF(S)

Rebecca Giesler  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRCP;  Rule 41(a), SCRCP (Vol. Nonsuit);  Rule 43(k), SCRCP (Settled);  Other
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRCP;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

After further review and deliberation, the court GRANTS Defendant's motion to dismiss for the following causes of action: violation of the South Carolina Unfair Trade Practices Act (SCUTPA), invasion of privacy, negligence, gross negligence, intentional infliction of emotional distress, and negligent infliction of emotional distress.

The Court respectfully DENIES Defendants motion to dismiss as to the causes of action for breach of contract and breach of contract accompanied by a fraudulent act. As such, the case shall go forward on those causes of action at this time.

Attorney Cloud shall prepare and submit a more formal order for the Court within 10 days using language consistent with her legal arguments and memoranda.

Plaintiff is further encouraged to retain an attorney to represent her interests. It is so ordered.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/25/2023 .

Roberta Moore for Roberta Moore  
Rebecca Giesler for Rebecca Giesler  
Rebecca Giesler for Rebecca Giesler  
Roberta Moore for Roberta Moore

RECEIVED  
MAY 08 2024  
SC Court of Appeals

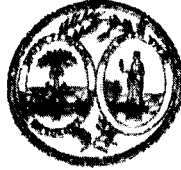
NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

---

ELECTRONICALLY FILED - 2023 JUN 25 2:59 PM - LANCASTER - COMMON PLEAS - CASE#2023CP2900493



Lancaster Common Pleas

**Case Caption:** Roberta Moore VS Rebecca Giesler  
**Case Number:** 2023CP2900493  
**Type:** Order/Electronic Form 4

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge

Electronically signed on 2023-07-26 14:40:21 page 3 of 3

ELECTRONICALLY FILED - 2023 Jul 26 2:59 PM - LANCASTER - COMMON PLEAS - CASE#2023CP2900493



LANCASTER  
 501 N MAIN ST  
 LANCASTER, SC 29720-2145  
 (800)275-8777

05/08/2024

10:04 AM

Duplicate

Product	Qty	Unit Price	Price
Priority Mail®	1		\$9.85
Flat Rate Env			
Rock Hill, SC 29732			
Flat Rate			
Expected Delivery Date			
Thu 05/09/2024			
Insurance			\$0.00
Up to \$100.00 Included			
Certified Mail®			\$4.40
Tracking #:			
9589 0710 5270 1543 4412 72			
Return Receipt			\$3.65
Tracking #:			
9590 9402 8393 3156 5482 67			
<b>Total</b>			<b>\$17.90</b>

Grand Total: \$17.90

Cash \$20.00  
 Change -\$2.10

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com/USPS/Tracking](http://www.usps.com/USPS/Tracking) or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm> or call 1-800-222-1811

Preview your Mail  
 Track your Packages  
 Sign up for FREE @ <https://informedelivery.usps.com>

All sales final on stamps and postage.  
 Refunds for guaranteed services only.  
 Thank you for your business.

Tell us about your experience.  
 Go to: <https://postalexperience.com/Pos>  
 or scan this code with your mobile device.



or call 1-800-410-7420

UFN: 454740-0923  
 Receipt #: 840-52800393-1-8573728-2  
 Clerk: o



LANCASTER  
501 N MAEN ST  
LANCASTER, SC 29720-2135  
(800) 275-8777

05/09/2024

11:16 AM

Product	Qty	Unit Price	Price
Priority Mail® Flat Rate Env Columbia, SC 29201 Flat Rate Expected Delivery Date Fri 05/10/2024 Tracking #: 9505 5141 5472 4129 7504 35 Insurance Up to \$100.00 Included	1		\$9.85
Total			\$9.85

Grand Total: \$9.85

Debit Card Remit \$9.85

Card Name: MasterCard  
Account #: XXXXXXXXXXXX7819  
Approval #: 171658  
Transaction #: 351  
Receipt #: 050858  
Debit Card Purchase: \$9.85  
AID: A0000000042203 Contactless  
AL: US Debit

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm> or call 1-800-222-1811.

Preview your Mail  
Track your Packages  
Sign up for FREE @  
<https://informedelivery.usps.com>

All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos>  
or scan this code with your mobile device.



or call 1-800-410-7420