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Jun 12 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Phillip Lenski, Administrative Law Judge

Docket No. 23-ALJ-22-0342-AP

Appellate Case No. 2024-000251

Bridgette M. Chabot,

Appellant

v.

South Carolina Department of Employment and Workforce and
Wells Fargo & Company, Inc.,

Respondents

**RESPONSE TO MOTION TO STRIKE RESPONDENTS' BRIEF
AND RESPONSE TO APPELLANT'S MOTION FOR EXTENSION**

On June 3, 2024, Appellant filed a Motion to Strike the Department's Brief in this matter, relying on Rule 208(C), SCACR, which states, in part, "The statement shall contain a concise history of the proceedings, insofar as necessary to an understanding of the appeal. The statement shall not contain contested matters...." Appellant then references several sentences that she acknowledges are found in the "FACTS" section of the Department's brief. Appellant then asks this Court to strike and dismiss the Department's brief because those identified sentences contain contested matters. Appellant's argument is manifestly

without merit. Rule 208(E), SCACR states, “A party may also include a separate statement of **facts** relevant to the issues presented for review, with reference to the record on appeal, which may include contested matters and summarize the party’s contentions.” (emphasis added). Appellant concedes the statements to which she objects are found in the “FACTS” section of the Department’s brief, which is separate from the “STATEMENT OF THE CASE” section of the Department’s brief. Appellant is free to argue against those statements in a Reply Brief, but they do not violate any of the Rules of this Court and a Motion to Strike is both inappropriate and frivolous. This Court should deny Appellant’s Motion to Strike the Department’s brief.

Further, given the frivolous nature of Appellant’s Motion to Strike, which nonetheless required the Department to expend effort and resources to respond, the Department requests that this Court remind Appellant that Rule 269, SCACR gives this Court the right to impose sanctions for filing such frivolous motions and to discourage the filing of such motions in the future.

The Department takes no position on Appellant’s request for an extension to file her Reply Brief(s).

[Signature on Following Page]

Respectfully Submitted,



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SC Dept. of Employment and Workforce

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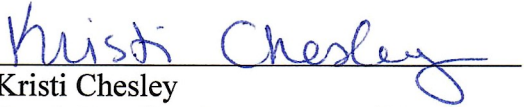
PROOF OF SERVICE

I certify that I have served Respondent DEW's Response to Motion to Strike Respondent's Brief and Response to Appellant's Motion for Extension on the parties in this case by mail on June 12, 2024, addressed to the parties at their addresses of record:

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June 12, 2024


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SC Court of Appeals

By Email at ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Bridgette Chabot v. SC Department of Employment and Workforce and
Wells Fargo & Company
Appellate Case No: 2024-000251

Dear Ms. Kitchings:

Enclosed is Respondent DEW's Response to Motion to Strike Respondent's Brief and Response to Appellant's Motion for Extension in the above referenced case. A proof of service is also included in this mailing.

Please let me know if you have any questions.

Sincerely,

Kristi Chesley
Administrative Legal Assistant for
Ben Cook
Attorney for Respondent South Carolina
Department of Employment and Workforce