

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ALLENDALE COUNTY  
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

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Case Number: 2023-001281

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Marcus Riley, ..... Appellant,

v.

Dorothy Riley, individually and Dorothy Riley in her role as Personal Representative of  
the Estate of Marion F. Riley, Jr..... Respondent.

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RENEWED MOTION TO DISMISS  
Rule 260(a), SCACR

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On March 28, 2024, the Court issued its Order instructing the Appellant to file his Amended Record on Appeal within twenty (20) days. The parties were further directed to file their final briefs within ten (10) days of the filing of the Amended Record on Appeal.

On May 16, 2024 Appellant filed a Third Amended Record on Appeal. This Third Amended Record on Appeal contains the follows defects.

First, a number of documents designated for inclusion within the Record on Appeal by Respondent are not included. These documents include the following:

1. Memo of Law in support of the February 12, 2021 motion to dismiss (Paragraph 2, c in the Designation).

2. Exhibits to Request to take Judicial Notice October 18, 2022 (Paragraph 2, g in the Designation, #4, #6, and #8 are not included).
3. Order Closing the Estate (Defendant's Exhibit 11) (Paragraph 4, h of the Designation).

Second, the Third Amended Record on Appeal contains the entire Transcript from the Trial of this matter. The Appellant designated Page 145 from the Transcript of Trial for inclusion in the Record on Appeal. Respondent designated a number of pages as well. However, the Record on Appeal contains approximately one hundred pages of transcript that were not designated for inclusion in the Record on Appeal.

Respondent is not able to prepare and file a final brief without a complete and accurate Record on Appeal.

Respondent renews her requests that the Court dismiss this Appeal, for failure to comply with Rule 209 and Rule 210, SCACR and with the March 28, 2024 Order, pursuant to Rule 260(a), SCACR.

June 18, 2024  
Bamberg, South Carolina

Respectfully Submitted,

s/ R. Aaron Ness  
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(803) 245-5178  
Attorneys for Respondent

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Jun 19 2024

SC Court of Appeals

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PROOF OF SERVICE

The undersigned certifies that a copy of Correspondence from Respondent, Renewed Motion to Dismiss, and Proof of Service, have been served upon counsel of record for the Appellant, using their primary email address listed in the Attorney Information System, as shown below, on June 19, 2024.

Ittriss Jenkins, *ittriss@jenkinslaw1.com*  
**Attorney for Appellant**

s/ R. Aaron Ness  
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SC Court of Appeals



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June 18, 2024

South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**Re: RENEWED MOTION TO DISMISS**  
***Marcus Riley, Appellant v. Dorothy Riley, individually and as Personal***  
***Representative of the Estate of Marion F. Riley, Respondent***  
**Appellate Case No.: 2023-001281**

To Whom It May Concern:

Please find enclosed with this letter a *Renewed* Motion to Dismiss and check #24463 to pay in full the filing fee. I am sending these documents via email, as well. Thank you for your attention to this matter.

Sincerely,

R. Aaron Ness

RAN/aw  
Enclosures