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Jul 09 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHESTER COUNTY  
In The Circuit Court

B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2023-001089

ROBERT F. GOOREY, Appellant,

v.

DEBORAH A. GOOREY and  
SHAWN GOOREY,  
of whom SHAWN GOOREY is the Respondent.

RETURN TO APPELLANT'S  
MOTION TO STRIKE and MOTION  
FOR EXTENSION OF TIME

Pursuant to Rules 240 and 260, S.C.A.C.R., the Respondent Shawn Goorey, by his counsel herein, responds by consent to Appellant's Motion to Strike and opposition to the Motion for an Extension of Time as follows:

1. Appellant filed his Notice of Appeal on July 6, 2023.
2. Appellant filed and served his initial brief and designation of matter on December 29, 2023.
3. Respondent filed and served his initial brief and designation of matter on March 28, 2024.
4. Appellant's record on appeal was due no later than April 29, 2024, pursuant to Rule 210(a), S.C.A.C.R.
5. The Court issued a letter to Appellant's counsel on June 6, 2024, informing him that the time to provide the record on appeal had expired and instructed Appellant to file the record on appeal or an appropriate motion within ten (10) days of the date of the letter.
6. Counsel for Appellant filed a Motion for Extension of Time to file the record on appeal on June 11, 2024, citing "press of business in his office, including an unsettled status in another [a]ppeal".

7. This Court issued an Order on June 12, 2024, extending Appellant's time to June 8, 2024, to serve and file his record on appeal.
8. Counsel for Appellant filed a Motion to Strike and additional Motion for Extension of Time on July 8, 2024, citing Rules 209(b), 210(c), 240 and 263(b), S.C.A.C.R. as the basis of his motions.
9. Appellant argues that Defendant Deborah Goorey's Responses to Respondent's Requests to Admit should be stricken because the document was never filed with the Circuit Court.
10. Defendant Deborah Goorey's Responses to Respondent's Requests to Admit reference the authenticity of the purchase and sale contract for the subject property in the underlying action, which was filed with the Circuit Court. Respondent's counsel referenced these requests to admit in the hearing on June 16, 2023, regarding Respondent's Motion for Summary Judgment.
11. Appellant has never raised an issue regarding the authenticity of the purchase and sale contract nor its contents.
12. Respondent consents to the striking of Defendant Deborah Goorey's Responses to Respondent's Requests to Admit from his Designation of Matter, as it was not filed with the lower court. Respondent requests that the remainder of his Designation of Matter be preserved for this appeal.
13. Rule 240(b), S.C.A.C.R. expressly provides that the time limits imposed by the Rules shall not be stayed by the filing of a motion, absent a court order or unless otherwise stated.
14. Appellant has filed a total of five motions for extensions of time and has missed two deadlines without seeking leave from the Court.
15. Appellant's motion to strike is in no way related to the record on appeal and Appellant could have submitted his record on appeal while the motion to strike was pending.
16. Respondent objects to and opposes Appellant's Motion for an Extension of Time and requests that it be denied.
17. Respondent further moves pursuant to Rule 260 to dismiss Appellant's appeal.

WHEREFORE, the Respondent consents to Appellant's Motion to Strike request that this Court deny Appellant's Motion for an Extension of time and issue an Order dismissing this case, pursuant to Rules 208 and 260, S.C.A.C.R.

/s/ Joe Terrious K. Neal  
P.O. Box 707  
Rock Hill, S. C. 29731  
803 366-3388  
Attorney for Respondent

July 9, 2024

Rock Hill, South Carolina

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v.

DEBORAH A. GOOREY and  
SHAWN GOOREY,  
of whom SHAWN GOOREY is the

Respondent.

PROOF OF SERVICE

I certify that I have served the Return to Appellant's Motion to Strike and for Extension of Time dated July 9, 2024, on the following counsel or persons of record:

John Martin Foster  
Attorney for Robert Goorey  
Post Office Box 106  
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by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section d(1) of the Order of the Supreme Court dealing with Electronic Filing and Service amended May 6, 2022.

July 9, 2024

/s/ Joe' Terrious K. Neal  
Post Office Box 707  
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Rock Hill, South Carolina