

RECEIVED

Jul 05 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brian M. Gibbons, #2168 Circuit Court Judge

Appellate Case No. 2024-000557

Roberta Moore,

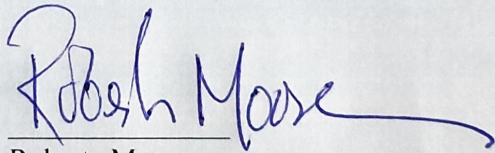
Appellant,

v.

Becca Giesler,

Respondent.

INITIAL BRIEF OF APPELLANT



Roberta Moore
3194 Pine Bluff Way
Indian Land, South Carolina 29732
(803) 524-1842
Appellant

TABLE OF CONTENTS

Table of Authorities ii

Statement of Issues on Appeal iii

Statement of the Case iv

Standard of Review v

Arguments

Conclusion

TABLE OF AUTHORITIES

CASES

Valenzuela v. Arpaio, No. CV 05-3586-PHX-SRB(CRP) D. Ariz. Apr. 21, 2006

Greyhound Corp v. Superior Court - 56 Cal 2d 384-385)

STATUTES

S.C. Rules of Civil Procedure 56

CCP 2019.030.....

STATEMENT OF ISSUES ON APPEAL

1. DID JUDGE ERR IN GRANTING SUMMARY JUDGMENT ON MARCH 8, 2024 WHEN COURT CASED CONTINUED BASED ON JUDGES DISPOSITION ON JULY 25, 2023 FOR ACTIONS IN QUESTION REGARDING BREACH OF CONTRACT ACCOMPANIED BY A FRAUDULENT ACT??
2. COUNSEL FOR RESPONDENT FAILED TO FILE PAPERWORK AS COURT ORDERED ON TIME WHICH IS THE SAME REASON SHE REQUESTED SUMMARY JUDGMENT. DID COURT ERR IN GRANTING THE SUMMARY JUDGMENT?
3. DID JUDGE ERR IN GRANTING SUMMARY JUDGMENT WHEN RESPONDENTS COUNSEL FAILED TO INCLUDE ALL OF THE CONTRACTS IN QUESTION IN HER REQUEST FOR SUMMARY JUDGMENT THAT WERE ALREADY RECORDED ON THE PUBLIC INDEX AND A PART OF THE COURT FILE.
4. DID COUNSEL ERR IN FORMAL PAPERWORK SUBMITTED AFTER REQUIREED DEADLINE WHERE SHE INDICATED THAT THERE WERE NO OBJECTIONS TO THE INTERROGATORIES WHEN WRITTEN RESPONSES WERE GIVEN AND ALL INTERROGATORIES THAT WERE ASKED AND DISCOVERY REQUESTED WERE A MATTER OF PUBLIC RECORD AND HAD BEEN SUPPLIED PREVIOUSLY AND THEREFORE ACCORDING TO CCP 2019.030 WAS UNNECESSARILY CUMULATIVE AND DUPLICATIVE.

STATEMENT OF THE CASE

On April 24th, 2023, the Appellant filed a complaint against the Respondent to which the Respondent filed an answer and counterclaim. The Appellant then filed an amended complaint against the Respondent on June 8th, 2023 indicating eight causes of action.

On June 19th, 2023 the Respondent filed a Motion to Dismiss which went before The Honorable Judge Gibbons on July 24th, 2023. The Motion was taken under advisement and partially granted with the exception of two causes of action. Those actions were Breach of Contract and Breach of Contract accompanied by a fraudulent act.

On February 12th, 2024 another Motion to Dismiss was heard by the Honorable Judge Gibbons. At that time the Respondent's counsel and The Honorable Judge Gibbons was given a written list of objections to the Respondent's Interrogatories which was counsel's basis for dismissal.

STANDARD OF REVIEW

Based on the substantial evidence submitted to The Honorable Judge Gibbons that indicated a Breach of Contract along with a fraudulent act as defined by 18 U.S. Code § 1341, Frauds and swindles, along with violation of South Carolina Code of Laws, Section 16-17-640, this case should be reinstated.

v
ARGUMENTS

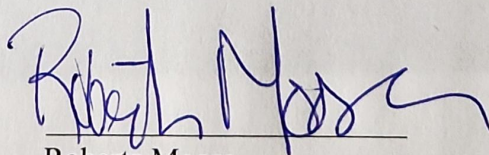
- I. BECAUSE RESPONDENT FAILED TO ADHERE TO COURT DEADLINES, SUMMARY JUDGEMENT SHOULD BE OVERTURNED.
- II. BECAUSE A CONTRACT BREACH ACCOMPANIED BY A FRAUDULENT ACT IS A IS IN QUESTION CONCERNING THIS CASE WITH MATERIAL EVIDENCE AS A PART OF PUBLIC RECORD, A SUMMARY JUDGEMENT SHOULD NOT HAVE BEEN GRANTED.
- III. BECAUSE RESPONDENT'S INTERROGATORIES AND REQUESTS FOR DISCOVERY WERE REDUNDANT AND VIOLATED CCP 2019.030, THE COURT SHOULD NOT HAVE GRANTED SUMMARY JUDGMENT.
- IV. BECAUSE RESPONDENT INCORRECTLY STATED IN DOCUMENTS THAT NO OBJECTIONS WERE MADE IN COURT IN REGARDS TO INTERROGATORIES (WHICH IS A FALSE STATEMENT) AND WRITTEN OBJECTIONS WERE PROVIDED AT THAT TIME TO RESPONDENT'S COUNSEL AND THE HONORABLE JUDGE GIBBONS, THE DOCUMENT SUBMITTED SHOULD NOT BE ACCEPTED.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

, 2024



Roberta Moore

3194 Pine Bluff Way

Indian Land, South Carolina 29707

(803) 524-1842

Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brian M. Gibbons, #2168 Circuit Court Judge

Appellate Case No. 2024-000557

Initial Brief Of Appellant

Roberta Moore, Appellant,

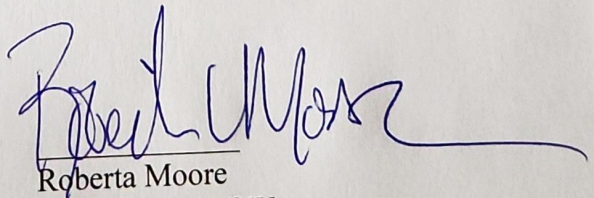
v.

Rebecca Giesler, Respondent.

PROOF OF SERVICE

I certify that I have served the Initial Brief Of Appellant on Rebecca Giesler by depositing a copy of it in the United States Priority Mail, postage prepaid, on July 5th, 2024, addressed to her attorney of record, Jennifer M. Cloud, 1467 Ebenezer Road, Rock Hill, South Carolina 29732, as well as, copied her attorney of record on paperwork submitted electronically to Court of Appeals on July 5th, 2024.

July 5th, 2024



Roberta Moore
3194 Pine Bluff Way
Indian Land, South Carolina 29732
(803) 524-1842
Appellant