

July 28, 2024

Shelby Spencer
Team Lead – Civil
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
Aug 12 2024
SC Court of Appeals

Dear Mrs. Spencer,

After reviewing the Respondent, Rebecca Giesler's, Motion For Dismissal, it has been brought to the attention of the Appellant, Roberta Moore, that the Respondent has had communications with the Clerk of the Circuit Court, as well as, the judge in regards to the judgment concerning the case from the lower court without the Appellant's knowledge or presence. According to SC Code of Laws Section 58-3-260, this ex parte communication is not permissible because it directly relates to the judgment of the case and all parties should have been present and/or notified of these communications.

With this knowledge, the Appellant is respectfully requesting that the Respondent's Motion For Dismissal be denied and that the appeal to overturn the decision of the lower court be granted. The Respondent's actions are believed to have swayed the outcome of the case in that at no point in the proceedings was there any mention of the counterclaim that the Respondent requested ruling on via ex parte communications. According to Rule 12(b)(3), the Respondent's actions are considered misconduct by the Respondent and therefore should render the judgment of the lower court void and dismissed in its entirety because neither, the Clerk of the Lower Court, the Judge of the lower court, nor the Respondent or the Respondent's Counsel notified the Appellant of any of these communications.

In regards to the service of process for the recent Motion For Dismissal from the Respondent, the Respondent has also included false information about the service of paperwork accordance to SC Rules for Service of paperwork. The date of service would be the date that the Respondent deposited the paperwork with the United States Postal Service. The Respondent indicated that this was done on July 19th, 2024, however, it was not taken to or received by the Postal Service until July 24th, 2024. So the information that the Respondent submitted to the courts was false and can be considered as perjury in that the Respondent certified that the information they were providing was true when it was not. The failure of the Respondent to mail documentation on the date indicated also impedes the judicial process of having 10 days to respond and is deemed as an intentional action by the Respondent. Please see attached documentation from the United States Postal Service reflecting the dates in which the registered mail was processed. This mail was processed without a requirement for signature.

Thank you for your immediate assistance in this matter.

Best Regards,



Roberta Moore

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