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**Aug 19 2024**

**SC Court of Appeals**

**MOTION TO ACCEPT AMENDED INITIAL BRIEF**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2024-000557

Roberta Moore, ..... Appellant,

v.

Rebecca Giesler, ..... Respondent.

**MOTION TO ACCEPT AMENDED INITIAL BRIEF**



Roberta Moore  
3194 Pine Bluff Way  
Indian Land, South Carolina 29707  
(803) 524-1842

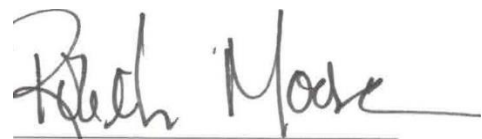
Now comes the Appellant, Robert Moore, moving the court to accept the Amended Initial Brief submitted on July 29, 2024, pursuant Rule 240 of the South Carolina Appellate Court Rules. The Amended Initial Brief corrects formatting errors and includes additional law and court cases for justification although the procedures do not put a requirement on the amount of cases or laws that have to be cited in the Initial Brief. The Amended Initial Brief also addresses the alternative request on Page 10 of the Respondent's Motion for Dismissal (Exhibit A) to have the Appellant resubmit the initial Brief and Designation of Matter.

*Page 10 – “In the alternative, this Court should issue and Order directing Appellant to resubmit her initial brief and designation of matter complying with the Rules.”*

The Appellant respectfully requests the Court accepted the amended Initial Brief for filing.

August 18, 2024

Respectfully Submitted,

A handwritten signature in black ink that reads "Roberta Moore". The signature is written in a cursive style and is positioned above a horizontal line.

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Appellant's brief fails to comply with the [then applicable appellate court rules] in the following particulars: the components of the brief are incorrectly organized and labeled, the issues are not distinctively headed, the table of authorities is not alphabetized or referenced to the body of the brief, the statement of the case contains contested matter and omits required information, and the arguments contain no citations to the record or to the cases listed in the table of authorities.

Counsel is advised that the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide the appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.

*Id.* The Court further ruled that “[a]lthough this Court would be *completely justified in dismissing this appeal* based on appellant’s numerous violations of the Rules, we decline to do so and deny the motion to dismiss. *Id.* (emphasis added).

In *Henning*, the appellant’s brief failed to follow formatting guidelines and did not provide any citations in or to the record. Here, the flaws and deficiencies in Appellant’s Brief go well beyond mere technicalities. The Brief fails to comply with nearly every subsection of Rule 208, SCACR, and fails to properly set forth arguments and appropriate reasoning for this appeal. The Brief does not contain enough information to sufficiently state the issues on appeal and does not allow Respondent proper notice of the issues being appealed to sufficiently answer and defend against the appeal.

For all the foregoing reasons, this appeal should be dismissed in its entirety. In the alternative, this Court should issue an Order directing Appellant to resubmit her initial brief and designation of matter complying with the Rules.

B. This appeal should be dismissed because Appellant did not preserve any argument concerning any purported late filing issues or discovery issues for appellate review.

South Carolina appellate courts do not follow the “plain error” standard when sitting in review of a trial court’s decision. *State v. Sheppard*, 391 S.C. 415, 421, 706 S.E.2d 16, 19 (2011) (“[T]he plain error rule does not apply in South Carolina state courts.”). “Instead, a party must have a