

**MOTION TO DENY RESPONDENT’S MOTION FOR DISMISSAL AND TO  
OVERTURN LOWER COURT DECISION BASED ON EX-PARTE  
COMMUNICATIONS WITH CLERK OF LOWER COURT AND THE HONORABLE  
JUDGE BRIAN GIBBONS**

**RECEIVED**  
**Aug 19 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, Circuit Court Judge

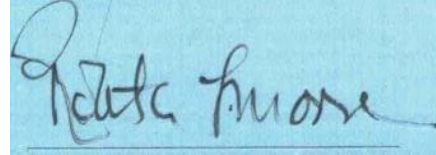
Appellate Case No. 2024-000557

Roberta Moore, ..... Appellant,

v.

Rebecca Giesler, ..... Respondent.

**MOTION TO DENY RESPONDENT’S MOTION FOR DISMISSAL AND TO  
OVERTURN LOWER COURT DECISION BASED ON EX-PARTE  
COMMUNICATIONS WITH CLERK OF LOWER COURT AND THE HONORABLE  
JUDGE BRIAN GIBBONS**



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

Now comes the Appellant, Roberta Moore, respectfully moving the Court to deny the Respondent's Motion for Dismissal based on the Respondent's failure to not only file the required paperwork by the court mandated deadline but also because the Respondent broke SC Code of Laws Section 58-3-260 by participating in ex parte communications as confirmed in writing in the Respondent's Motion For Dismissal submitted to the Court of Appeals on July 19<sup>th</sup>, 2024.

The Respondent's admittance in her Request For Dismissal of reaching out to the Clerk of the Lower Court, as well as, the judge, The Honorable Brian Gibbons without the presence and without notifying the Appellant are according to Rule 12(b)(3) considered misconduct by the Respondent and should therefore cause the prior judgment to be overturned in that it is believed that by the Counsel for the Respondent reaching out multiple times to the above parties without the knowledge of the Appellant, it is believed that she has compromised and swayed the outcome of the proceedings. At no point before or after was the Appellant advised of the ex parte communications that took place with the Respondent as she communicated with the Clerk of the Lower Court, as well as, The Honorable Judge Brian Gibbons.

## CONCLUSION

Based on SC Code of Laws Section 58-3-260, the Appellant hereby requests that the Respondent's Request for Dismissal be denied and respectfully requests that the prior Order for Judgement be overturned and action be taken rendering judgment in favor of the Appellant for the relief requested in the initial pleading of \$389,000, along with the proper judgment according to SC Code 16-17-640 being rendered for the fraudulent act that was committed.

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.

Roberta Moore  
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