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Sep 09 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas The Honorable Bently D. Price, Circuit Court Judge

Appellant Case No. 2024-001197
Civil Action Case No. 2023-CP-23-05339

John M. Hornbeck, IIIRespondent

v.

Milton A. Gatlin Appellant

MOTION TO DISMISS

NOW COMES Respondent, John M. Hornbeck, III and hereby requests a dismissal of Appellant’s Appeal based on Appellant’s failure to argue his issues on appeal. Appellant listed eight (8) issues on appeal in his Initial Brief, but failed to argue or identify the appealable errors and failed to identify any documents (such as the transcript of hearing) to expose any error on behalf of the lower court. Instead, it appears that Appellant has simply re-argued the same thing that he did in the Motion for Summary Judgment. (Initial Brief of Appellant). An issue raised on appeal but not argued in the brief is deemed abandoned and will not be considered by the appellate court. *Fields v. Melrose Ltd. P'ship*, 312 S.C. 102, 106, 439 S.E.2d 283, 285 (Ct. App. 1993) citing, *Bell v. Bennett*, 307 S.C. 286, 414 S.E.2d 786 (Ct.App.1992).

Respectfully submitted,

s/ Wendell L. Hawkins

Wendell L. Hawkins (S.C. Bar #: 13583)

Wendell L. Hawkins, PA

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Attorneys for Respondents

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Greenville, South Carolina

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PROOF OF SERVICE

I certify that I have served the **Respondent’s Motion to Dismiss** on September 9, 2024 addressed to Appellant by electronic delivery to the Appellant’s email address milton@dti.us and to Appellant’s address listed on his Initial Brief, being 105 Silver Pine Ct. Greer, SC 29650.

Respectfully submitted,

s/ Wendell L. Hawkins

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