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Sep 09 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

The Honorable R. Keith Kelly
Circuit Court Judge

Docket No. 2017-CP-11-00735
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District,

Respondent.

**RESPONDENT’S REPLY TO APPELLANT’S RETURN TO RESPONDENT’S
MOTION TO DISMISS**

In its August 23, 2024, Motion to Dismiss, Respondent Cherokee County School District seeks dismissal under Rule 260(a) based on two grounds that *pro se* Appellant Sharon Brown (“Appellant”) failed to comply with Rules 208 and 209, SCACR, by failing to properly identify and cite to the page numbers and sections of the items identified in her Designation of Matter on Appeal and in her Initial Brief. Appellant’s August 30, 2024, Return to Respondent’s Motion to Dismiss Appellant’s Appeal (“Return”) fails to address the grounds of the District’s Motion to Dismiss and does not deny the validity of the grounds raised. Therefore, Respondent respectfully requests the Court dismiss her appeal under its authority of Rule 260(a), SCACR.

In her Return, Appellant refers to Respondent as “hypocrites” needing to “clean around its own house.” (App.’s Return p. 2). Further, Appellant accuses Respondent seeking this Court to “give [her] the death penalty.” (Id.). As this is a civil case, Respondent denies ever mentioning or submitting anything to this Court or otherwise related to the “death penalty” and finds Appellant’s reference to the same as baseless and frivolous. Furthermore, Respondent objects to Appellant’s use of name-calling in her filing and implores this Court to strike such name calling from Appellant’s Return or issue a sanction under its own right and authority under Rule 269, SCACR.

Appellant also unironically places the burden on Respondent to “[notify] appellant to correct” the items in her Initial Brief and Designation. (Id.). While typically, it would be the burden of counsel to confer with opposing counsel to correct errors in submission before filing a Motion to Dismiss, that is not the case here. In this case, the Appellant appears *pro se*, and as indicated in her use of derogatory language in her Return, communicating with the Appellant would be futile.

For some reason, Appellant states in her Return that she is “not waving her right to amend/modify her brief after viewing respondent’s [sic] brief.” (App.’s Return p. 2). Rule 211(b)(2), SCACR reserves the right to revise briefs only when typographic errors or misspellings are contained in the initial brief. Appellant Brown’s unprovoked statement insinuates that her plans to modify her brief after viewing Respondent’s specifically. Clearly through this statement, Appellant believes that her ability to comply with this Court’s rules should fall on to the Respondent to correct her work for non-compliance in its own filings; then in response, she should be able to amend her errors based on Respondent’s references. Contrary to her belief, unless typographical or spelling errors are present, there is no “right to amend/modify her brief after viewing respondent’s [sic] brief,” and if amendment of briefs is allowed, it would be through consent of the parties or by leave of court. Appellant’s statement should be read as nothing more

than her reliance on Respondent's undertaking to respond to her appeal in compliance with this Court's rules for her own benefit in her pursuit of this appeal brought forth nearly two years ago. By including this unnecessary statement in her Return, the Appellant foreshadows her intention to use the work in the response of Respondent to mechanically and properly present her filings to this Court.

Finally, Appellant repeatedly argues that "appellant's argument will remain the same" as justification as to why her appeal should not be dismissed. (Id.). Notably, to date, Appellant has not proffered the corrections indicated by Respondent's Motion to Dismiss and instead refers to the grounds of Respondent's Motion as "human or typographical error." App. Return p. 1-2. However, given the extent to which Appellant's Designation and Initial brief are totally devoid of reference to the sections of the transcripts of the hearings, pleadings, and exhibits, Appellant ignores the prejudicial effect on Respondent's inability to respond to her "arguments" and the fact that Respondent is left to its own devices to decipher the grounds, documents, rulings, and actions of the lower court to determine what exactly Appellant seeks to appeal and if those issues are adequately preserved for review. Appellant's desire for more time to properly comply with the rules of this Court only feeds her insistence for more delay for this appeal filed nearly two years ago.

Nothing in Appellant's Return provides any justification for the manner in which Appellant failed to comply with Rule 208 & 209, SCACR nor does she deny the grounds of the District's Motion. Appellant admits to her non-compliance and through her barrage of name calling and deflection of the issues before the Court, ignores the Court's authority to dismiss her appeal.

For the aforementioned reasons, and as provided in its Motion to Dismiss, Respondent respectfully requests the Court dismiss Appellant's appeal under Rule 260(a).

Respectfully submitted,



By: _____

Andrea E. White (SC Bar No. 11891)
J. Alexander Sherard (SC Bar No. 103276)
WHITE & STORY, LLC
3614 Landmark Drive, Suite EF
P.O. Box 7036 (29202)
Columbia, SC 29204
T: 803.814.0993
F: 803.814.1183
awhite@sodacitylaw.com
asherard@sodacitylaw.com
Attorneys for Respondent

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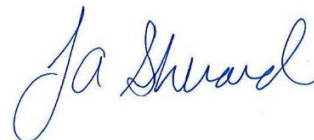
v.

Cherokee County School District One,

Respondent.

CERTIFICATE OF COUNSEL

This is to certify that Respondent Cherokee County School District One's Reply to Appellant's Return to Respondent's Motion to Dismiss complies with Rule 240(c), SCACR.



Andrea E. White (SC Bar No. 11891)
J. Alexander Sherard (SC Bar No. 103276)
WHITE & STORY, LLC
3614 Landmark Drive, Suite EF
P.O. Box 7036 (29202)
Columbia, South Carolina 29204
T: (803) 814-0993
F: (803) 814-1183
awhite@sodacitylaw.com
asherard@sodacitylaw.com
Attorneys for Respondent

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PROOF OF SERVICE

I certify that I have served *Respondent Cherokee County School District One's Reply to Appellant's Return to Respondent's Motion to Dismiss and Certificate of Counsel*, by emailing a copy to Appellant, Sharon Brown, to Sharon.Brown21@yahoo.com, and mailing a copy via First-Class U.S. Certified Mail (#7020 3160 0001 3500 4855).



Andrea E. White (SC Bar No. 11891)
J. Alexander Sherard (SC Bar No. 103276)
WHITE & STORY, LLC
3614 Landmark Drive, Suite EF
P.O. Box 7036 (29202)
Columbia, South Carolina 29204
T: (803) 814-0993
F: (803) 814-1183
awhite@sodacitylaw.com
asherard@sodacitylaw.com
Attorneys for Respondent

September 9, 2024
Columbia, South Carolina

Andrea E. White
Ashley C. Story
J. Alexander Sherard
Michael D. Davidson
Dylan A. Crossland
Ryan K. Hicks



3614 Landmark Dr. Ste. EF
P.O. Box 7036 (29202)
Columbia, SC 29204
Tel: 803.814.0993
Fax: 803.814.1183
www.sodacitylaw.com

J. Alexander Sherard
asherard@sodacitylaw.com

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VIA EMAIL

The Honorable Jenny Abbotts Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

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Re: Sharon Brown v. Cherokee County School District One
Appellate Case No. 2022-001582

Dear Ms. Kitchings:

Please find the following documents for filing in the above-referenced matter:

- 1) Respondent's Reply to Appellant's Return to Respondent's Motion to Dismiss;
- 2) Respondent's Proof of Service; and
- 3) Respondent's Certificate of Counsel.

If there are any issues with the filings, please let me know and I will take care of it before the close of business today.

Thank you for your assistance in this matter.

Sincere regards,

A handwritten signature in blue ink that reads 'Ja Sherard'.

J. Alexander Sherard

Enclosures

c: Andrea E. White, Esq. (w/o enclosures)
Sharon Brown (Via email & USPS Priority Mail)

Andrea E. White
Ashley C. Story
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J. Alexander Sherard

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