

IN THE STATE OF SOUTH CAROLINA
THE SUPREME COURT

RECEIVED

Sep 18 2024

APPEAL FROM ORANGEBURG COUNTY
The Honorable Edgar W. Dickson, Circuit Judge

S.C. SUPREME COURT

Case No. 2018-CP-38-01339
Supreme Court Case No. 2023-001318

Rufus Rivers and Merle Rivers.....Respondents

VS.

James Smith Jr.....Petitioner

RESPONDENTS' MOTION TO STRIKE

COMES NOW, Rufus Rivers and Merle Rivers, respondents in the above-captioned matter, and hereby moves this honorable court to strike petitioner's reference and citing of Rufus Rivers vs. Brumby, and in support thereof states as follows:

INTRODUCTION

Pursuant to rule 12(f) of The Carolina Rules of Civil Procedure, respondents request this court strike any reference to Rivers vs. Brumby because it has no relevance to this current matter and only serves to attack respondent Rufus Rivers' character, since he was the plaintiff. and prejudice the court and Rivers vs. Brumby was only introduced after the court of appeals rendered its decision, and petitioner filed his petition for writ certiorari.

ARGUMENT

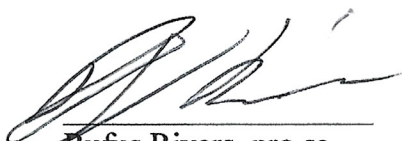
Respondents filed a motion for extension of time to reply to petitioner's reply to respondents' Brief in Opposition to address this very issue. Respondents were immediately opposed the motion by emailing two separate motions. Subsequently, the court was quick to deny respondents' motion and not allowing sur-reply. When petitioner filed his petition for writ of certiorari is when the character attacks began, ex. "Respondents are not naive pro se appellants, "respondents have repeatedly engaged in maneuvering to delay their eviction, maneuvering in which they had plentiful practice in the Brumby proceedings. Respondents have attached respondents summons and complaint in the Brumby case where the court will not find any similarities or relevance to this cases.(see attached summons and complaint).

CONCLUSION


For the reasons stated above, respondents request that any reference to Rivers vs. Brumby be stricken from the record. Petitioner have not provided any relevance regarding precedent or statute. The rule of law trumps character attacks. Respondents request that any reference to the Rivers vs. Brumby case be stricken.

September 18, 2024

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Rufus Rivers, pro se



Merle Rivers, pro se