

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ALLENDALE COUNTY  
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

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Case Number: 2023-001281

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Marcus Riley, ..... Appellant,

v.

Dorothy Riley, individually and Dorothy Riley in her role as Personal Representative of  
the Estate of Marion F. Riley, Jr..... Respondent.

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MOTION TO STRIKE FILINGS  
(Or, in the alternative, to Dismiss)

(As To October 22, 2024 Final Brief of Appellant)

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On September 29, 2023, Appellant filed his Initial Brief. Appellant did not file a Reply Brief.

On October 22, 2024, Appellant filed a document purporting to be his Final Brief, along with a Certificate of Compliance with Rule 211(b), SCACR. This Final Brief is a different brief, which contains new case citations, new content, new statements of the issues on appeal, and an entirely new conclusion(s). The brief expanded from five (5) pages of written text to ten (10) pages of written text. Appellant did not comply with Rule 211(b), SCACR.

Respondent respectfully requests the Court strike from the record of this case Appellant's October 22, 2024 Final Brief, which is a different brief, which does not comport with Rule 211(b), SCACR.

In the alternative, Respondent asks the Court to dismiss this Appeal, in its entirety, for Appellant's failure to comply with the rules of this Court. This is the second attempt to file a brief that violates Rule 211(b), SCACR. On February 9, 2024, this Court struck from the record of this case the first improper Final Brief and directed Appellant to comply with Rule 211(b), SCACR. The Court instructed that the failure to do so may result in dismissal of the appeal.

This motion is based on Rule 211, SCACR, the September 29, 2023 filing of Appellant's Initial Brief, and the October 22, 2024 filing of Appellant's purported Final Brief.

Respectfully Submitted,

NESS & JETT, LLC

October 25, 2024  
Bamberg, South Carolina

/s/ R. Aaron Ness  
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ATTORNEYS FOR RESPONDENT

**RECEIVED**

**Oct 25 2024**

**SC Court of Appeals**

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the Estate of Marion F. Riley, Jr..... Respondent.

PROOF OF SERVICE

The undersigned certifies that a copy of RESPONDENT’S MOTION TO STRIKE  
FILINGS has been served upon counsel of record for the Appellant, using his primary email  
address and mailing address listed in the Attorney Information System.

Respectfully submitted,

NESS & JETT, LLC

October 25, 2024  
Bamberg, South Carolina

/s/ R. Aaron Ness  
R. Aaron Ness, S.C. Bar #102331  
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SC Court of Appeals



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October 25, 2024

**Via U.S. Mail and Email**

South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**Re: MOTION TO STRIKE FILINGS**  
**(or in the alternative, Motion to Dismiss)**

*Marcus Riley, Appellant v. Dorothy Riley, individually and as Personal Representative of the Estate of Marion F. Riley, Respondent*  
**Appellate Case No.: 2023-001281**

To Whom It May Concern:

Please find enclosed with this letter a Motion to Strike Filings (or in the alternative, Motion to Dismiss), Proof of Service, and a \$50.00 check to pay in full the filing fee. I am sending these documents via email, as well. Thank you for your attention to this matter.

Sincerely,

R. Aaron Ness

Enclosures