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Nov 15 2024

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

The Honorable Bentley D. Price
Circuit Court Judge

Appellate Case No. 2024-000350

Michele Graham,.....Appellant,

v.

Mark Ciaburri and Adrienne T. Ciaburri, Respondents.

MOTION TO DISMISS

COME NOW the above-named Respondents, who hereby move for this matter to be dismissed based upon Appellant’s failure to comply with S.C. Ct. App. Rule 210. The basis for this motion is as follows:

1. The initial brief of Respondents, and the last brief to be filed and served, was filed with the Court and served upon all parties on August 19, 2024. Pursuant to S.C. Ct. App. Rule 210, “within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief”.

2. It has been over 85 days since the last brief was served and Appellant has yet to serve a copy of the Record on Appeal.

3. On October 1, 2024, Appellant filed an “Objection to Designation of Matter for Inclusion in the Record for Appeal” and subsequently on October 9, 2024 filed an “Amended Motion Objecting to Designation of Matter for Inclusion in the Record on Appeal”. Pursuant to S.C. Ct. App. Rule 240(b), unless it is otherwise provided in the Rules of Appellate Practice or ordered by the Appellate Court, the timelines imposed by the Rules shall not be stayed by the filing of a motion or petition. There is no provision in the Rules of Appellate Practice that would stay Appellant’s service of the Record on Appeal by the filing of this motion and there has been no Court order staying these proceedings. Accordingly, the Appellant has failed to comply with the prescribed timelines within the Rules of Appellate Practice.

WHEREFORE, the Respondents respectfully request that this Court issue an Order dismissing this appeal.

Respectfully submitted,

S/ Edward R. Corvey, III
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Attorney for Respondents

November 14, 2024
Charleston, South Carolina

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PROOF OF SERVICE

I, Matt Hussnatter, hereby certify that I have served the *Motion to Dismiss* via e-mail address and U.S. Mail on November 14, 2024, on the following recipient:

Michele Graham – Appellant
michele.graham0318@gmail.com

1661 Babington Way
Mount Pleasant, SC, 29464

Respectfully Submitted,

S/ Matt Hussnatter

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CORVEY LAW FIRM

November 14, 2024
Charleston, South Carolina