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Feb 25 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY COURT OF COMMON PLEAS
G. D. Morgan, Jr., Circuit Court Judge

APPEAL FROM THE ANDERSON COUNTY SUMMARY COURT
Mary Frances Cole, Summary Court Judge

C/A No.: 2024-CP-04-00482

Elizabeth M. Kern AKA Elizabeth Kern-GibsonAppellant

v.

Melody GantRespondent.

**RESPONDENT’S NOTICE OF APPEARANCE AND
NOTICE OF INTENT NOT TO CONTEST APPEAL**

The undersigned hereby notices his appearance on behalf of the Respondent Melody Gant.

It is the intent of the Respondent not to contest the appeal in this matter. The Respondent does so, not because she believes she would be unsuccessful in defending the appeal by the Appellant, but because the underlying judgment rendered against the Appellant totals only Nine Hundred Thirty and 40/100s (\$930.40) Dollars. The cost of succeeding in the Appeal will far exceed the amount of the judgment in the matter. In essence, the Respondent does not wish to waste her own money defending a judgment she obtained and successfully defended to the Circuit Court *pro se* by spending far more than the judgment amount..

The Respondent respectfully requests that no attorney fees or costs be assessed in this case. The basis for this is that the underlying judgment is quite small and defending the same is economically wasteful. In addition, on information and belief of the Respondent, the legal efforts on behalf of the

Appellant were likely performed by her daughter, Candy M. Kern, and signed off upon by her former partner, Mr. Sutter. Candy M. Kern is the daughter of the Appellant and is a lawyer disbarred by the Supreme Court in an Order filed June 20, 2024 (see Appellate case 2023-001650). The Appellant does not contend that Candy Kern Fuller's efforts are inconsistent with law (and believes that under Mr. Suttles supervision her efforts are likely permissible), we do believe that the Appellant and Mr. Sutter has not incurred any attorney fee expense as a result.

Respectfully Submitted,

MOORHEAD LEFEVRE PA

s/J. Kirkman Moorhead

J. Kirkman Moorhead (SC Bar 07039)

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CERTIFICATE OF SERVICE

The undersigned on behalf of Moorhead LeFevre, PA, counsel for the Respondent, does hereby certify that the **RESPONDENT’S NOTICE OF APPEARANCE AND NOTICE OF INTENT NOT TO CONTEST APPEAL** in the above-captioned matter was sent by electronic mail and by placing same in the United States Mail, first class postage prepaid, to the below listed addresses clearly indicated on said envelope this the 25th day of February, 2025.

Howard E. Sutter III
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s/J. Kirkman Moorhead
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