

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

May 14 2025

SC Court of Appeals

APPEAL FROM YORK COUNTY
COURT OF COMMON PLEAS

William A. McKinnon, #2761 Circuit Court Judge

Appellate Case No. 2024-000279

Rock Point II,

Respondent

vs.

Ashley Williamson,

Appellant.

MOTION TO DISMISS APPELLANT'S APPEAL

The Respondent, Rock Point II, by and through its undersigned counsel, James Marshall Biddle, hereby Moves to Dismiss the Appellant's Appeal in accordance with the SCRAP and hereby files its Motion to Dismiss Appellant's Appeal.

At every level of the appeal process regarding this matter from Magistrate Court to Circuit Court to this Honorable Appellate Court, the Appellant has failed to follow the requirements for the process. I understand that the Appellant is appearing "Pro Se" but the rules for procedure are set forth for both parties to ensure that justice is fairly administered at each level of the proceedings and to ensure that neither party gets an advantage over the other party for not following the appropriate procedure. This Honorable Court and every court directly related to this matter has given the Appellant the benefit of the doubt for procedural rules and requirements. This benefit of the doubt has been provided to the Appellant at the detriment of the Respondent and, in fairness, the breakdown of the Appellant's case has been no one's fault but her own.

Pursuant to SCRAP, 208 Initial Briefs, Subsection (b) **Content**. States that the initial briefs under this Rule and the final briefs under Rule 211 shall contain:

(1) Brief of Appellant. The brief of appellant shall contain under appropriate headings and in the order here indicated:

(A) Table of Contents and Cases. A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with references to the pages of the brief where they are cited.

(B) Statement of Issues on Appeal. A statement of each of the issues presented for review. The statement shall be concise and direct as to each issue, and may be stated in question form. Broad general statements may be disregarded by the appellate court. Ordinarily, no point will be considered which is not set forth in the statement of the issues on appeal.

(C) Statement of the Case. The statement shall contain a concise history of the proceedings, insofar as necessary to an understanding of the appeal. The statement shall not contain contested matters and shall contain, as a minimum, the following information: the date of the commencement of the action or matter; the nature of the action or matter; the nature of the defense or of the response; the action of the court, jury, master, or administrative tribunal; the date(s) of trial or hearing; the mode of trial; the amount involved on appeal; the date and nature of the order, judgment or decision appealed from; the date of the service of the notice of appeal; the date of and description of such orders, judgments, decisions and proceedings of the lower court or administrative tribunal that may have affected the appeal, or may throw light upon the questions involved in the appeal; and any changes made in the parties by death, substitution, or otherwise. Any matters stated or alleged in appellant's statement shall be binding on appellant.

(D) Standard of Review. If all the issues are governed by the same standard of appellate review, the Brief shall contain a section with the heading "Standard of Review," which shall concisely set forth the applicable standard of review with citations to relevant case law establishing the standard. If the same standard of review is not applicable to all of the issues, a separate section with a heading of "Standard of Review" shall be included at the start of the argument on each issue with citations to relevant case law establishing this standard of review.

(E) Argument. The brief shall be divided into as many parts as there are issues to be argued. At the head of each part, the particular issue to be addressed shall be set forth in distinctive type, followed by discussion and citations of authority. A party may also include a separate statement of facts relevant to the issues presented for review, with reference to the record on appeal, which may include contested matters and summarize the party's contentions.

(F) Conclusion. A short conclusion stating the precise relief requested.

See SCRAP 208(b).

It is obvious that the Appellant has failed and refused at each and every step in the process to abide by the requirements set forth by the Courts and the Law. The South Carolina Appellate Court Rules are crystal

clear as to the information that all parties are required to have in their Initial Brief. The Initial Brief of Appellant does not even attempt to have the information required. The Appellant has loosely attempted to provide a statement of issues on appeal and a standard of review for this matter although it is impossible to determine if these items meet the criterion this Honorable Court expects and requires in accordance with the Rules. The contents of Appellant's "Initial Brief" do not contain any case law, any statutes, any precedent, any argument, any conclusion and, overall, is void of anything that resembles an "Initial Brief" or any information that would be considered acceptable. I understand that the Appellant is a "lay person" and not any attorney but this Honorable Court and the South Carolina Supreme Court have stated time and time again, that in South Carolina, when appearing pro se in a civil case, individuals are generally held to the same standards as licensed attorneys. This means they must follow court rules and regulations, and they cannot claim an ignorance of the law as a defense. While the court may provide resources or guidance, they are not obligated to provide legal advice or representation. I understand that Pro-Se litigants are given liberal opportunities to comply with the rules of court and the laws associated therewith but simply making statements that the Appellant disagrees with because she thinks that the lower court somehow was bias or prejudice against her without any other proof is simply not in compliance with the South Carolina Rules of Civil Procedure and/or the South Carolina Rules of Appellate Procedure. This is an appeal from the Circuit Court and she has provided no factual information relating to the hearing before Judge McKinnon and/or no factual information relating to his decision and/or no factual information that even purports to provide a pathway for this Court to determine what it is that the Appellant is appealing in order for this Court to make a determination or decision to render an opinion in this matter. There has been no discussion of errors of law or errors of judgment that have been made by the Magistrate Judge and/or Judge McKinnon. This entire Appeal has been handled this way by the Appellant and has only served to delay the ultimate eviction of the Appellant which was granted by the Magistrate Court more than a year ago. It is the Respondent's belief that this is nothing more than a delay tactic to prevent the ultimate eviction from taking place.

BASED UPON THE FOREGOING, the Respondent requests that this Honorable Court Dismiss Appellant's Appeal and allow Respondent to move forward with its legal eviction proceedings in York County, South Carolina.

Biddle Law Firm, LLC

/s/ James Marshall Biddle

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Attorney for Respondent Rock Point II

Conway, South Carolina

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PROOF OF SERVICE

I certify that I have served the Motion to Dismiss the Appeal of Ashley Williamson by depositing a copy of it in the United States Mail, postage prepaid on May 14, 2025 and addressed as follows:

Ms. Ashley Williamson
2344 Ridgerock Lane, Apt. B107
Rock Hill, SC 29732

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May 14, 2025

VIA EMAIL

The Honorable Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211
ctappfilings@sccourts.org

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May 14 2025

SC Court of Appeals

Re: Ashley Williamson v. Rock Point II
Appellate Case No. 2024-000279

Dear Ms. Kitchings:

Please find enclosed here in the Respondent's Motion to Dismiss Appeal along with Certificate of Service. I have enclosed my firm's check in the amount of \$50.00 for the Motion to Dismiss Appeal.

Should you have any questions or need any additional information regarding the enclosed, please do not hesitate to contact me. Thank you for your assistance with this matter.

Yours very truly,
Biddle Law Firm, LLC

James Marshall Biddle

James Marshall Biddle

JMB:mb

Enclosure as stated

cc: Ms. Ashley Williamson w/enclosures