

IN THE STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
For the Third Judicial Circuit
The Honorable R. Kirk Griffin,
Acting Circuit Court Judge

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Sep 17 2025

SC Court of Appeals

Civil Action No.: 2022-CP-43-01389
Appellate Case No.: 2025-001006

SUMTER COUNTY,)
Respondent,)
)
v.) APPELLANTS' RESPONSE IN OPPOSITION
) TO RESPONDENT'S MOTION TO DISMISS
LA EXPRESS LOGISTICS, LLC and)
WILLIE S. SPANN, III,)
Appellants.)
_____)

INTRODUCTION

Appellants, LA Express Logistics, LLC and Willie S. Spann, III ("Appellants"), submit this Response in Opposition to Respondent Sumter County's Motion to Dismiss. Respondent's motion should be denied because Appellants have complied with the South Carolina Appellate Court Rules, including Rules 203(b)(1) and 207(a), and the appeal presents reviewable issues appropriate for this Court's consideration.

ARGUMENT

I. THE NOTICE OF APPEAL WAS PROPERLY FILED AND TIMELY.

Respondent contends that Appellants failed to perfect their appeal by not filing the Notice of Appeal with the Clerk of the Lower Court. That contention is incorrect. Appellants filed their Notice of Appeal with the Clerk of the Court of Appeals on May 21, 2025, and proof of filing with the Clerk of the Sumter County Court (Lower Court) was completed on June 4, 2025. These filings comply with Rule 203(b)(1), SCACR.

II. RESPONDENT'S ARGUMENT REGARDING TRANSCRIPT ORDERING LACKS MERIT.

Respondent also argues that Appellants did not order transcripts within 10 days of filing the appeal. However, Appellants were within the 30 days provided by the Court of Appeals to secure new counsel. After the Notice of Appeal was filed, Appellants received correspondence from the Court of Appeals dated August 18, 2025. That correspondence was not actually received until 6 days later, which briefly delayed Appellants' transcript ordering. Nevertheless, Appellants ordered the transcript on September 10, 2025, within the permitted timeframe. Under these circumstances, Respondent's argument lacks merit.

III. THE ORDER ON APPEAL IS APPEALABLE.

The order appealed from granted summary judgment and disposed of the claims in the case. Such a final order is appealable under Rule 201, SCACR. Because the order is final and appealable, this Court has jurisdiction to consider the merits of Appellants' appeal.

IV. DISMISSAL IS NOT WARRANTED UNDER RULE 240.

Rule 240, SCACR, permits dismissal only where an appeal is frivolous, untimely, or procedurally defective. None of those conditions apply here. Appellants have complied with Rules 203(b)(1) and 207(a), SCACR, and have acted in good faith throughout. Accordingly, dismissal under Rule 240 is inappropriate.

V. RESPONDENT INCORRECTLY STATES THE FILING DATE OF THE APPEAL.

Finally, Respondent states that the appeal was filed on April 21, 2025. This is incorrect. The appeal was filed on May 21, 2025, which was timely under the South Carolina Appellate Court Rules.

CONCLUSION

For the reasons set forth above, Appellants respectfully request that this Court DENY Respondent's Motion to Dismiss and allow the appeal to proceed on the merits.

Respectfully submitted,



Willie S. Spann III
Pro Se Appellant
5160 Highway 15 North
Sumter, SC 29153
williespann30@gmail.com

Dated: September 17, 2025

CERTIFICATE OF SERVICE

I, Willie S. Spann, III, hereby certify that I have this day served a true and correct copy of the foregoing Appellants' Response in Opposition to Respondent's Motion to Dismiss upon counsel for Respondent by depositing the same in the United States Mail, first-class postage prepaid, addressed as follows:

G. Murrell Smith, Jr.
Post Office Box 580
Sumter, SC 29151
Phone: (803) 778-2471

and

Austin T. Reed
3200 Devine Street
Columbia, SC 29205
Phone: (803) 254-5445

This the 17 day of Sept, 2025.



Willie S. Spann III
Pro Se Appellant
5160 Highway 15 North
Sumter, SC 29153
williespann30@gmail.com

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Sumter COUNTY
Court of Common Pleas

The Honorable Kirk Griffin, Circuit Court Judge

Case No. 2022 - CP - 43 - 01389

LA Express Logistics and
Willie Spahn III

Appellant/Respondent,

Sumter County

v.

Appellant/Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Austin Tyler Reed by depositing
a copy of it in the United States Mail, postage prepaid, on 9/17/2025, addressed to,
(Name)
(Date)

Austin Tyler Reed 3200 Devine Street
Columbia, SC 29205

Date: 9/17/2025

sl m... III
Address: 5160 Hwy 15 N
Sumter, SC 29153

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Sumter COUNTY
Court of Common Pleas

The Honorable Kirk Griffin, Circuit Court Judge

Case No. 2022 - CP - 43 - 01389

LA Express Logistics and
Willie Spohn III,

Appellant/Respondent,

Sumter County

v.

Appellant/Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on George Murrell Smith Jr. by depositing
(Name)
a copy of it in the United States Mail, postage prepaid, on 9/17/2025, addressed to,
(Date)

George Murrell Smith Jr. P.O. Box 580
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Date: 9/17/2025

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