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Oct 24 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Joe M. Crosby, Master-In-Equity Judge

Civil Action No.: 2023-CP-22-00531
Appellate Case No.: 2025-000850

W.C. Jennings Company, Inc., Plaintiff,

v.

Joseph Failla, Renee Failla and Anderson Brothers Bank, Defendants,

AND

Anderson Brothers Bank, CounterClaim/Cross-Claim Plaintiff,

v.

W.C. Jennings Company, Inc., Counterclaim Defendant,

Joseph Failla and Renee Failla a/k/a Renee F. Failla, Cross-Claim Defendants,

of which W.C. Jennings Company, Inc., and Anderson Brothers Bank are the Respondents, and Joseph Failla and Renee Failla are the Appellants.

MOTION TO DISMISS APPEAL

TO: Joseph Failla and Renee Failla, Appellants

YOU WILL PLEASE TAKE NOTICE that the Respondent, by and through his undersigned counsel, hereby moves before the Court of Appeals for an Order Dismissing

Appellants' Appeal on the grounds that the Appellant has failed to order the transcript of proceedings necessary for appellate review.

BACKGROUND AND PROCEDURAL HISTORY

The Appellant filed a Notice of Appeal from the judgment of the Master-in-Equity for Georgetown County on April 29, 2025. Pursuant to Rule 207 of the South Carolina Appellate Court Rules, an appellant is required to order and serve a request for the transcript of proceedings within ten days after filing the notice of appeal, unless the transcript is unnecessary for review. The record reflects that the Appellant has not ordered the transcript, nor has the Appellant filed a statement of intent to proceed without a transcript. Mary Cooper Joy, Court Reporter and Notary Public for the State of South Carolina, appeared at the final hearing for proper transcription on March 24, 2025.

ARGUMENT

The timely ordering of the transcript is a mandatory procedural requirement for perfecting an appeal in South Carolina. Rule 207 and 607, South Carolina Appellate Court Rules provides: " In appeals from the Court of Common Pleas, Masters-in-Equity, Special Referees or the Family Court in domestic actions, the transcript must be ordered within thirty (30) days of the date of service of the notice of appeal. Appellant shall contemporaneously furnish the parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

Similarly, South Carolina appellate procedure requires the appellant to ensure that the record is complete and that all necessary transcripts are ordered and filed. Failure to do so deprives the Court of the ability to review the issues raised on appeal and constitutes grounds for

dismissal. The burden rests squarely on the appellant to comply with these procedural requirements.

Respectfully submitted,

s/Robert W. Maring
Robert W. Maring
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Attorney for Respondent W.C.
Jennings Company, Inc.

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Joseph Failla and Renee Failla a/k/a Renee F. Failla, Cross-Claim Defendants,

of which W.C. Jennings Company, Inc., and Anderson Brothers Bank are the Respondents, and Joseph Failla and Renee Failla are the Appellants.

Proof of Service

I certify that on this 24th day of October, 2025, a copy of the Motion to Dismiss Appeal were served on Anderson Brothers Bank Respondent and Appellants by depositing the same in the U.S. Mail, postage prepaid, addressed to counsel of record as follows:

Via USPS:
Joseph Failla
Renee Failla
212 A Machie Loop Dr.
Myrtle Beach, SC 29588

Via e-mail:
Suzanne Taylor Graham Griggs, Esquire
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s/Robert W. Maring
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Georgetown, SC
October 24, 2025

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Joseph Failla
Renee Failla
212 A Machie Loop Dr.
Myrtle Beach, SC 29588

RE: *W.C. Jennings Company Inc. vs. Joseph Failla, et. al.*
Case No.: 2022-CP-22-00963

Dear Mr. and Mrs. Failla:

Please find enclosed, for service upon you, a copy of the Motion to Dismiss Appeal along with a copy of the Proof of Service for the above-referenced matter.

With kindest regards

Sincerely,


Robert W. Maring

Enclosures

cc: W.C. Jennings
Suzanne Griggs, Esq.