

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Mikell R. Scarborough, Master-in Equity

171126

Appellate Case No. 2013-001936  
Lower Court Case No. 2011-CP-10-2941

The Coastal Bank, .....Respondent,  
v.

Robin Crump, Tim Crump, Jack Krauss, Edward M. Terry,  
and Cemex Construction Materials, LP.....Defendants,  
Of Whom Robin Crump and Tim Crump are.....Appellants.

**RECEIVED**

JAN 30 2014

**SC Court of Appeals**

**MOTION TO DISMISS APPEAL**

Respondent, The Coastal Bank, moves for an order dismissing Robin and Tim Crump's appeal due to their failure to file an Appellants' Initial Brief, or in the alternative, for their failure to keep this Court and opposing counsel apprised of the status of the transcript. See Rule 207(a)(5) (requiring Appellant to notify the Court of Appeals if the transcript has not been delivered within the allotted time); Rule 208(a), SCACR (setting forth the time for filing initial briefs).

This appeal was filed on September 5, 2013, and since then, this Court has sent three deficiency letters. The first, sent on September 23, 2013, pointed out that the Proof of Service included with the Notice of Appeal indicated that entities which were not a party to this appeal

had been served with the notice;<sup>1</sup> this letter afforded Appellants ten days to remedy their error. The second deficiency letter, sent on October 17, reminded Appellants they had not yet corrected their Proof of Service. The third deficiency letter, sent on December 23, 2013, explained that, according to the Court's records, the transcript should have been delivered and an initial brief should have been filed.<sup>2</sup> The letter notified the Appellants that they were to advise the Court of the status of the transcript within ten days of the letter or their appeal may be dismissed.

Over thirty days have passed since the Court requested that Appellants keep it informed of the status of the transcript. Appellants have failed to acknowledge whether they have received the transcript. In the event they have not received the transcript, the Appellants have failed to contact the Office of Court Administration and advise this Court of the status of the transcript, as required by the December 23, 2013 letter. Accordingly, Respondent respectfully requests that this appeal be dismissed pursuant to Rule 260(a), SCACR ("Whenever it appears that an appellant or petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.").

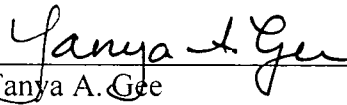
*[Signature block on following page]*

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<sup>1</sup> The proof of service also indicated the appeal was served a year earlier, on July 2, 2012.

<sup>2</sup> The transcript should have been received by Appellants on or around November 15, 2013, and the Appellants' Initial Brief was due on or around December 15, 2013.

Respectfully submitted,

  
Tanya A. Gee

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Attorney for Respondent

January 30, 2014  
Columbia, South Carolina

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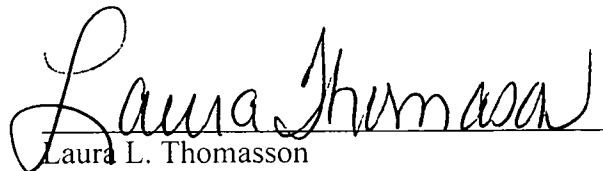
**PROOF OF SERVICE**

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I certify that this 30<sup>th</sup> day of January, 2014, I have served the Motion to Dismiss via U.S.

Mail, first class postage prepaid, on:

Shawn M. French  
1476 Ben Sawyer Blvd., Suite 3  
Mt. Pleasant, SC 29464

  
Laura L. Thomasson  
Legal Assistant of Tanya A. Gee

Tanya A. Gee  
Special Counsel

January 30, 2014

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *The Coastal Bank v. Crump*  
Appellate Case No. 2013-01936

Dear Ms. Kitchings:

Enclosed please find an original and eight (8) copies of a *Motion to Dismiss* the above-referenced appeal. I have also enclosed an original and two (2) copies of the Proof of Service to be clocked and filed. Please file the originals and return the "clocked-in" copies to me via our courier. Also enclosed is our firm's check in the amount of \$25, which represents the filing fee for the same.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Tanya A. Gee

TAG/lt  
Enclosures

cc: Shawn M. French (w/enclosure)

Charleston  
Charlotte  
**Columbia**  
Greensboro  
Greenville  
Hilton Head  
Myrtle Beach  
Raleigh

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