

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINTON COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-002356

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APR 04 2014

SC Court of Appeals

Fritz Allen Timmons

Appellant.

v.

Browns a/s RV and Campers

Respondent

APPELLANT'S RETURN FOR THE RESPONDENT'S MOTION TO DISMISS

In response to the motion to dismiss received on April 1, 2014 from Derrick McFurland, the appellant request that the motion be denied due to the following.

1. Due to the South Carolina Employment Security Commission (SCESC) aka South Carolina Department of Employment and Workforce violating Rule 75, SCRCF causing the lack of record for the court to review along with no representation for either respondents, therefore the order of the lower court of October 7, 2013 was in error and does not provide cause for motion to dismiss.

2. With only oral notice during the appeal hearing in the lower court on October 7, 2013 and without written notice served to appellant, violation of Rule 77d, SCRCF (“Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by first class mail upon every party affected thereby who is not in default for failure to appear”), therefore, cause for the motion to dismiss has not been provide .

3. Without specific time set for the filing of the court fee, and in compliance to the delinquency letter for the fee, no cause for the motion to dismiss has been provided.

4. With the intentional deception by Derrick McFurland as to Rule 208(a1), SCACR, the thirty (30) days after serving the notice of appeal only applies if no transcript is ordered. As court record shows, transcript has been ordered and served and therefore the provisions of Rule 208(a1) has been met and does not provide cause for the motion to dismiss.

5. Due to the failure of the respondents to serve their initial briefs and designation of matter to be included in the record on appeal with proof of services thereby violation Rule 208(a2), SCACR and Rule 209(a,c), SCACR, therefore in accordance to Rule 208(a4), SCACR, “Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.”, Therefore no cause has been provided for a motion to dismiss.

6. With the violation of Rule 75, SCRCF, Rule 208(a2), SCACR and Rule 209(a,c), SCACR by the SCESC with Romi Yolanda Robinson and Browns A/S RV and Campers, Inc. (Pro Se) as representatives on record, therefore in appliance to 264, SCACR, Derrick McFurland is a foreign party to the appeal and does not have legal authority for a motion to dismiss, ipso facto, making the motion to dismiss a frivolous motion and therefore

should be denied.

Also neither the SCESC nor Derrick McFurland has the authority to order the clerk of the appellant court with the statement "The Clerk of the Appellant court **SHALL** sign an order dismissing the appeal.", especially after violating Rule 208(a2), SCACR and enacts Rule 208(a4), SCACR

7 With only the SCESC of the two respondents requesting the dismissal along with code §41-35-740 (2009) that states "The Commission shall be deemed to be a party to any judicial action involving any such decision", ipso facto, the SCESC can not be dismissed from case.

Therefore, with the SCESC violation of Rule 75, SCRCP and the apparent abandonment of case in both the court of common pleas and the appeals court by violating Rule 208(a2) and 209(a,c) SCACR along with Derrick McFurland that is not a lawyer on record and trying to order the actions of the Clerk of the Appeal Court and the SCESC as required by state code §41-35-740 (2009) as a party to the case and creating a frivolous motion, Therefore the Appellant request that the motion to dismiss be denied.

April 2, 2014

Respectfully Submitted



Fritz A. Timmons Pro Se
P. O. Box 367
Hartsville, SC 29551

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PROOF OF SERVICE

I certify that I have served the Return to the Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on April 3, 2014, addressed to the representatives of record, Browns A/S RV and Campers, Inc. (Pro Se), 30049 Hwy 151, McBee. SC 29101 and Romi Yolanda Robinson, P.O. Box 995, Columbia, SC 29202, Attorney for Respondent. Also served the filer of the motion, Derrick McFarland, P. O. Box 8597, Columbia, SC 29202

April 3, 2014

Sincerely,



Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551
(843)-335-6283

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SC Court of Appeals

April 3, 2014

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

RE: Fritz A. Timmons v. Browns A/S RV and Campers, Inc Appellate Case No.
2013-002356

Dear Jenny Abbott Kitchings

Enclosed is the original and six copies of the **Return to the Motion to Dismiss**
Respond along with proof of service in the above referenced case

Sincerely,



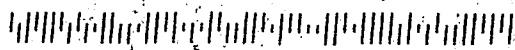
Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

Cc Romi Yolanda Robinson.
Browns A/S RV and Campers, Inc
Derrick McFarland

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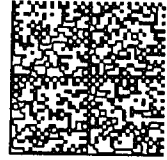


**Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551**

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SC Court of Appeals

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**Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211**

