

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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**APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas**

**Carmen Mullen, Circuit Judge  
Marvin H. Dukes, III, Master-In-Equity**

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**APPEAL CASE No. 2011-204367**

**Circuit Court Case No. 2011-CP-07-02546**

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JUN 06 2014  
SC Court of Appeals

**OLESYA MATYUSHEVSKY, CITIZENS  
OPPOSING DOMESTIC ABUSE, CHRISTINE  
VARG and LILING SUN ..... Respondents**

v.

**JOSEPH C. SUN ..... Appellant**

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**APPELLANT'S REPLY TO RESPONDENTS' MOTION  
TO DISMISS APPEAL, OR IN THE ALTERNATIVE  
TO STRIKE APPELLANT'S FINAL BRIEF**

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Rule 211(b), SCACR states that,

“The final brief(s) shall be identical to the brief(s) previously served under Rule 208, except for: (1) References to the Record. ....  
(2) Correction of Typographical Errors and Mispellings...”

All briefs Appellant Sun previously served obviously include his initial brief and his reply brief to respondents' briefs. His Final Brief is a combination of his two aforesaid briefs, therefore, is and should be more lengthy than Appellant's Initial Brief as Respondents noticed.

This case is much more complicated than usual because all respondents caused several delays in the appeal after Appellant Sun served his Initial Brief and Designation of Matters on about July 6, 2013, all respondents repeatedly moved the court for extension of time to file their initial briefs and were granted different times to serve and file. Respondents Matyushevsky, CODA and Varg served their Initial Brief on about September 4, 2013, while Respondent LiLing Sun did not serve her Initial Brief until about October 4, 2013. Appellant Sun served his Reply Brief on about October 10, 2013.

A brief review of Appellant's Initial, Reply and Final Briefs can see that the Statement of the Issues on Appeal and the Statement of the Case are identical. Because Appellant made the additional argument on the breach of Prenuptial Agreement in his Reply Brief to show that the Family Court had no jurisdiction on this matter which must be litigated in the circuit court, after Respondent LiLing Sun repeatedly and erroneously argued that Appellant's claims for damages and injury "were within the exclusive jurisdiction of the Family Court" (Page 8 of LiLing Sun's Initial Brief) Appellant had to incorporate his argument in his Reply Brief on the breach of Prenuptial Agreement in his Final Brief.

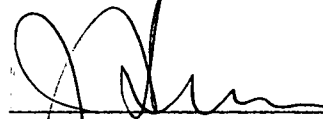
Appellant has not included any additional factual assertions or legal arguments because his Initial Brief already contained numerous statements and arguments of Respondents LiLing Sun and Olesya Matyusheskys' involvement of the violation and breach of the Prenuptial Agreement. (See Pages 5, 7, 14, 15) The cases of *Bailey v. Bailey*, 330 S.C. 326, 498 S.E.2d 891 (1998) and *Thompson v. Ballentine*, 298 S.C. 289, 379 S.E.2d 896 (1989) were cited in both Appellant's Initial and Final Briefs. Respondents' motion is simply untrue because Appellant has not included any additional fact or legal argument in his final brief which in certain area is

just a rewritten combination of Appellant's Initial and Reply Briefs.

Appellant has not violated Rule 211(b) in that the rule requires the final brief and the "briefs previously filed" to be identical only on the issues, the facts and arguments. There is no requirement, and it would be impossible to have Appellant's final brief to be identical to his initial and/or reply briefs on a verbatim basis. Respondents' motion should be denied.

This 5th day of June, 2014.

Respectfully submitted,



JOSEPH C. SUN, pro se  
P. O. Box 151  
Bluffton, SC 29910  
843-227-0963

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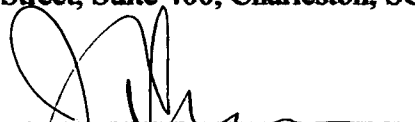
**SC Court of Appeals**

**PROOF OF SERVICE**

I certify that I have this date served all the Respondents a copy of the Appellant's Reply to Respondents Motion to Dismiss Appeal or in the Alternative to Strike Appellant's Final Brief by depositing a copy of same in the United States Mail, postage prepaid on June 5, 2014 to the following addresses:

J. Sam Scoville, Esq. P.O. Drawer 1107, Beaufort, SC 29901

Jackson H. Daniel, III, Esq. 40 Calhoun Street, Suite 400, Charleston, SC 29401



Joseph C. Sun, pro se  
P. O. Box 151  
Bluffton, SC 29910  
843-227-0963

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