

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

RECEIVED

JUL 14 2014

SC Court of Appeals

Fritz Allen Timmons

Appellant.

v.

SCESC and Browns a/s RV and Campers

Respondent

MOTION TO STRIKE AND DISREGARD RESPONDENT'S INITIAL BRIEF AND  
APPENDIX TO RESPONDENT'S INITIAL BRIEF

Without Representative for the Respondent in the Lower Court, thereby abandoning Case, The Respondent did not raise any issues or arguments, Any issue presented to this Court for consideration on appeal must have been raised to and ruled upon below. Price v. Pickens County, 308 S.C. at 65, 416 S.E.2d at 666, and this Court may not consider an issue not raised to the circuit court A & I, Inc. v. Gore, 366 S.C 233, 621 S.E.2d 383 (Ct. App. 2005). The Respondent failed to provide the Lower Court the full record violating SC Code §18-7-130, Rule 75, SCRCF, and SC Code §41-35-750 stating **“With its answer the commission shall certify and file with the court all documents and papers and a transcript of all testimony taken in the matter and its findings of fact and decision”** Wilson v. Am. Cas. Ins., 252 S.C. 393, 397, 166 S.E.2d

797, 798 (1969) (providing that the purpose of requiring a party to provide a record on appeal is to give the reviewing court the ability to decide whether the lower court erred in the respects alleged).

With the deadline for the Respondents Initial Brief and Designation of Matter to be Included in the Record on Appeal as of March 18, 2014, The Respondents has failed to file Respondents Initial Brief within a timely manor violating Rule 208(a)(2), SCACR. The Respondents Initial Brief also refers to SC Code Supplements of 2013 (DEW) of which this case is bound to SC Code Supplements of 2009 (SCESC) and to the wording and terminology thereof. The Respondent has completely failed to file an Designation of Matter to be included in the Record on Appeal violating Rule 209(a, b, c), SCACR.

The Respondent also filed a frivolous Motion to Dismiss, of which was denied, after the deadline of the Respondents Initial Brief and Designation of Matter to be Included in the Record on Appeal and prior to the serving of the Respondents Initial Brief and Appendix to the Respondent's Initial Brief.

The Respondent filed an Appendix to the Respondent's Initial Brief that does not comply to any SCACR Rules and contains matter that was not presented to the Lower Court violating Rule 209(b), SCACR, Rule 210, SCACR, Rule 212, SCACR, and Rule 403, SCRE.

Therefore this Court should Strike and Disregard Respondent's Initial Brief and Appendix to the Respondent's Initial Brief .

797, 798 (1969) (providing that the purpose of requiring a party to provide a record on appeal is to give the reviewing court the ability to decide whether the lower court erred in the respects alleged).

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Therefore this Court should Strike and Disregard Respondent's Initial Brief and Appendix to the Respondent's Initial Brief .

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DARLINTON COUNTY  
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J. Michael Baxley, Circuit Court Judge

Case No.2013-002356

Fritz Allen Timmons

Appellant.

v.

SCESC and Browns a/s RV and Campers

Respondent

PROOF OF SERVICE

I certify that I have served the MOTION TO STRIKE AND DISREGARD  
RESPONDENT'S INITIAL BRIEF AND APPENDIX TO RESPONDENT'S INITIAL  
BRIEF by depositing a copy of it in the United States Mail, postage prepaid, on July 14,  
2014, addressed to the attorney of record, .Derrick McFarland, Carolina Dept. of  
Employment and Workforce, P. O. Box 8597, Columbia, SC 29202

July 14, 2014

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JUL 14 2014

**SC Court of Appeals**



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

July 14, 2014

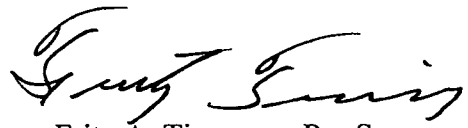
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211

RE: Fritz A. Timmons v. SCESC and Browns a/s RV and Campers Appellate Case No.  
2013-002356

Dear Jenny Abbott Kitchings

Enclosed is the original and six copies of the MOTION TO STRIKE AND  
DISREGARD RESPONDENT'S INITIAL BRIEF AND APPENDIX TO  
RESPONDENT'S INITIAL BRIEF along with proof of service of the Motion.

Sincerely,



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

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JUL 14 2014

**SC Court of Appeals**

2

Feb 7, 2014

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

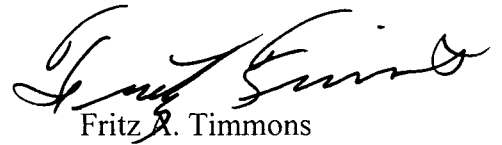
72929

Re: Fritz A. Timmons v. SCESC and Browns a/s RV and Campers  
Appellate Case No. 2013-002356

Dear Jenny Abbott Kitchings

Enclosed is a 25 dollar money order for the motion filing fee for the MOTION TO STRIKE AND DISREGARD RESPONDENT'S INITIAL BRIEF AND APPENDIX TO RESPONDENT'S INITIAL BRIEF served on July 14, 2014. Money Order # 0004

Sincerely,



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

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JUL 21 2014  
SC Court of Appeals