

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
Honorable Marvin H. Dukes, III

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Appellate Case No.: 2014-000636  
Beaufort County Case No.: 2013-CP-07-00918

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MARE BARACCO.....Appellant,

vs.

BEAUFORT COUNTY, SOUTH CAROLINA.....Respondent.

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REPLY TO APPELLANT'S MOTION TO DISMISS APPEAL

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The Appellant seeks to dismiss her appeal without prejudice to allow her to pursue a Writ of Mandamus for administrative proceedings, or alternatively for an Order reversing the case on the merits. The Respondent knows of no rule that would allow for a dismissal without prejudice given the requirements for timely filing of an Appeal.

This Motion is simply an attempt by the Appellant to avoid the briefing requirements set forth in the South Carolina Appellate Court Rules. The Appellant has, at this point, failed to timely file her Initial Brief as required by letter of the Court, dated September 10, 2014. If the Court is inclined to dismiss this matter, it should do so without leave for re-file. Moreover, this Motion is

replete with information and arguments not introduced or raised to the lower court nor preserved for appellate review in the Court's record.

Lastly, to the extent the Appellant raises jurisdictional questions; those issues can be properly addressed to this Court using appropriate appellate procedure in the course of this Appeal and would not require a Writ of Mandamus or dismissal of this Appeal.

HOWELL, GIBSON & HUGHES, P.A.

By: 

Mary Bass Lohr  
Post Office Box 40  
Beaufort, SC 29901  
(843) 522-2400  
Attorney for Respondents

Beaufort, South Carolina

October 23, 2014

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

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PROOF OF SERVICE OF  
REPLY TO APPELLANT'S MOTION TO DISMISS

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The undersigned counsel hereby certifies that she has served the foregoing Reply to Appellant's Motion to Dismiss upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service on 23 day of October, 2014 addressed to the following:

Mare Baracco  
1006 Madrid Ave.  
Port Royal, SC 29935

AND

Josh Gruber, Esquire  
Allison Collins Coppage, Esquire  
Beaufort County Staff Attorney  
Post Office Box 1228  
Beaufort, SC 29901

HOWELL, GIBSON & HUGHES, P.A.

By: 

Mary B. Lohr

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Attorney for Respondent

Beaufort County

Beaufort, South Carolina  
October 23, 2014

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J. ANDREW YOHO

JAMES S. GIBSON, JR \*  
Of Counsel

\* Certified Mediator

October 23, 2014

Ms. V. Claire Allen  
Deputy Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: Mare Baracco vs. Beaufort County, South Carolina  
Civil Action No.: 2014-000636  
Our File No: 11369 MBL

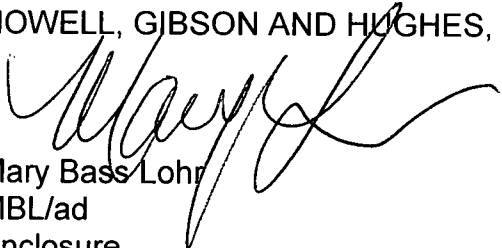
Dear Ms. Allen:

Please find enclosed herewith for filing Reply to Appellant's Motion to Dismiss Appeal with regard to the above referenced matter. I would appreciate your filing the same and returning a filed clocked copy to me in the enclosed self-addressed, stamped envelope provided for your convenience.

With kindest regards, I am

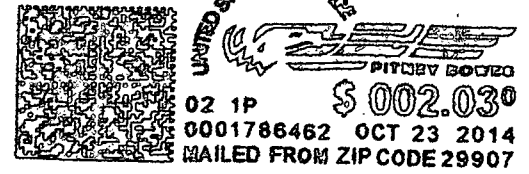
Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

  
Mary Bass Lohr  
MBL/ad

Enclosure

cc: Ms. Mare Baracco  
Allison Collins Coppage  
Joshua A. Gruber



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OCT 27 2014

**SC Court of Appeals**

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