

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**SC Court of Appeals**

APPEAL FROM ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Court Judge

Case No. 14-ALJ-30-256-AP

Lake City College Preparatory Academy, ..... Appellant,

v.

South Carolina Public Charter School District, ..... Respondent.

**Motion to Dismiss Appeal**


Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondent South Carolina Public Charter School District (“SCPCSD”) moves to dismiss the above-captioned appeal in its entirety, including the appeal on the merits and Appellants’ Motion to Expedite and Return Funds. The basis for this motion is that Appellant Lake City College Preparatory Academy (“LCCPA”) failed to timely file its Initial Appellant’s Brief. As a result, this Court must dismiss the appeal.

The South Carolina Appellate Court rules require Appellant to serve the Initial Appellant’s Brief “[w]ithin thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal . . . .” Rule 208(a)(1), SCACR. Appellant filed and served its notice of appeal on November 7, 2014. SCPCSD has not received any correspondence between Appellant and the Administrative Law Court in which Appellant attempts to make arrangements to obtain

a transcript of the proceedings before the Administrative Law Court. See Rule 207(b)(1), SCACR. Therefore, Appellant's Initial Brief was to be served on SCPCSD no later than December 8, 2014, pursuant to Rule 208(a)(1), SCACR.<sup>1</sup>

Appellant failed to serve its Initial Appellant's Brief by the mandatory deadline. Therefore, this Court must dismiss the appeal. See Wise v. S.C. Dept. of Corrections, 372 S.C. 173, 173, 642 S.E.2d 551, 551 (2007) (stating that "[w]henver it appears that an appellant has failed to comply with the requirements of the SCACR, an order of dismissal **shall** be issued") (emphasis added).

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Respondent South Carolina Public  
Charter School District

Columbia, South Carolina

December 12, 2014.

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<sup>1</sup> Thirty (30) days from November 7, 2014 falls on Sunday, December 7, 2014. Pursuant to Rule 263(a), SCACR, the deadline would therefore fall on the following Monday, December 8, 2014.

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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APPEAL FROM ADMINISTRATIVE LAW COURT

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Case No. 12-ALJ-30-0256-AP

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Lake City College Preparatory Academy (LCCPA)

Appellant,

v.

South Carolina Public Charter School District  
(SCPCSD)

Respondent.

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**PROOF OF SERVICE**

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for South Carolina Public Charter School District, do hereby certify that I have served all counsel in this action with a copy of the document(s) hereinbelow specified.

Document(s):

**MOTION TO DISMISS APPEAL**

Counsel Served:

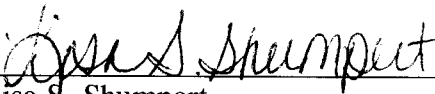
Johnny E. Watson Sr.  
2715 Edgewood Avenue  
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**SC Court of Appeals**

Mark W. Buyck, III, Esquire  
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\_\_\_\_\_  
Lisa S. Shumpert

December 12, 2014

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**SC Court of Appeals**

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December 12, 2014

## Hand Delivered

The Honorable Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

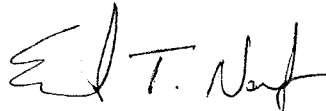
Re: Lake City College Preparatory Academy v. South Carolina Public Charter  
School District  
Civil Action No. 14-ALJ-30-0256  
Our File No. 41106/01503

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the Respondent's Motion to Dismiss Appeal in the above-referenced matter. We would appreciate your filing the original and six copies in your office and returning a file-stamped copy via our courier.

By copy of this letter, we have served counsel with a copy of same.

Very truly yours,



Erik T. Norton

ETN:ls  
Enclosures

cc: Johnny Watson, Esquire  
Mark W. Buyck, III, Esquire

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**SC Court of Appeals**