

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, III, Special Circuit Court Judge

Case No. 2014-001729

**RECEIVED**  
DEC 22 2014  
**SC Court of Appeals**

74547

JAMEEL RIZK AND  
CHRISTINA RIZK,

Respondent,

v.

JUDY F. SIMMONS,

Appellant.

MOTION TO DENY APPELLANT LEAVE TO FILE DESIGNATION OF RECORD  
ON APPEAL

Once again Appellant has ignored the South Carolina Appellate Court Rules. Appellant, Judy R. Simmons, filed her Initial Brief on October 13, 2014. Appellant did not file contemporaneously therewith her Designation of Matters as required by Rule 208, SCACR.

By way of a procedural background of this appeal, the following is a history of Appellant's disregard of the South Carolina Appellate Court Rules:

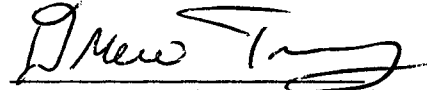
1. On August 1, 2014, Appellant filed her Notice of Appeal of a Civil Case.
2. Appellate did not order a transcript.
3. On September 20, 2014, counsel for Appellant wrote the Court of Appeals and requested an extension to file Appellant's Initial Brief by October 10,

2014. Appellant requested this extension after the time by which her Initial Brief was due under the South Carolina Appellate Court Rules.

4. On October 2, 2014, Respondent filed with this Court their Motion For Dismissal of Appeal for Failure to File Brief Within the Time Prescribed.
5. On Monday, October 13, 2014, Appellant, filed her Motion for Leave to File Initial Brief Instantly, three-days after the date Appellant requested an extension by which to file her Initial Brief.
6. Appellant's letter purporting to file her Motion for Leave to File Appellant's Initial Brief Instantly that she mailed to the Court is dated October 13, 2014. The postmark date on the letter to the undersigned is dated October 15, 2014. However, the certificate of proof of service is dated October 10, 2014, claiming to serve the undersigned on that date, and the date of Appellant's Motion for Leave to File Initial Brief Instantly is dated October 9, 2014.
7. On December 8, 2014, Respondent filed their Initial Brief.
8. Finally, on December 15, 2014, nearly two-months after filing her Initial Brief, Appellant seeks leave to file her Designation of Record on appeal.

Rule 209(a), SCACR, states in part that "at the same time a party serves his initial brief under Rule 208...he shall also serve on all parties to the appeal a Designation of Matter..." Appellant did not file her Designation of Matters contemporaneously with her Initial Brief, and, in fact, waited until after Respondent filed their Initial Brief to even attempt to do so.

Appellant cannot be allowed to continue to skirt the Court's rules. Respondent respectfully requests that Appellant be denied leave to file her Designation of Matters.



George E. Mullen, SC Bar # 4130  
Andrew J. Toney, SC Bar # 73037  
Mullen Wylie, LLC  
PO Box 5969  
Hilton Head Island, SC 29938  
(843)785-6969  
Attorney for Respondent

Other Counsel of Record:  
Stephen E. Carter  
19 Shelter Cove Ln., Ste 100  
Hilton Head Island, SC 29928  
(843)785-5900

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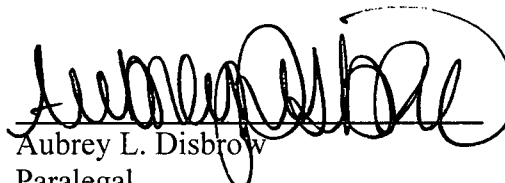
JUDY F. SIMMONS,

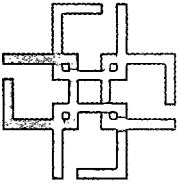
Appellant.

PROOF OF SERVICE

This is to certify that I have on this 18<sup>th</sup> day of December, 2014 delivered a true and correct copy of the Motion to Deny Appellant Leave to File Designation of Record on Appeal and the Proof of Service in the above captioned case by depositing a copy of the same in the United States Mail with correct postage to ensure delivery to:

Stephen E. Carter, Esquire  
CARTER LAW FIRM  
19 Shelter Cove Lane, Suite 100  
Hilton Head Island, SC 29928-3574

  
Aubrey L. Disbrow  
Paralegal



**MULLEN WYLIE**  
ATTORNEYS

200 Merchant Street

P.O. Box 5969

Hilton Head Island, SC 29938

Phone: (843) 785-6969

Fax: (843) 785-6711

December 18, 2014

**VIA U.S. MAIL**

The Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals  
1015 Sumter Street (29201)  
Post Office Box 11629  
Columbia, SC 29211

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RE: ***Jameel Rizk and Christina Rizk v. Judy F. Simmons***  
Case No.: 2014-001729

Dear Ms. Kitchings:

Please find enclosed the original and six (6) copies of the Motion to Deny Appellant Leave to File Designation of Record on Appeal, regarding the above-referenced matter. I would appreciate if you would please file the original and return the clocked copies in the enclosed self-addressed stamped envelope.

If you have any questions, please feel free to contact me. Thank you in advance for your assistance with this matter. I remain,

George E. Mullen

Robert L. Wylie, IV

Francis E. Grimball

James E. Lady

Arthur T. Meeder

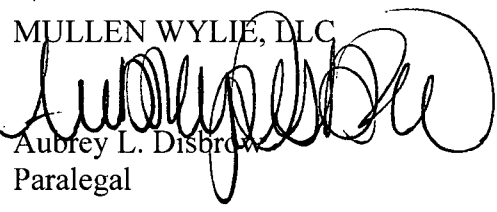
Amy W. Wates

Allison B. Thompson

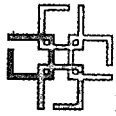
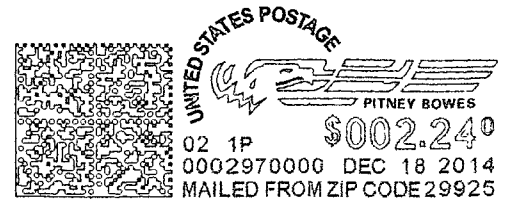
Andrew J. Toney

Very truly yours,

MULLEN WYLIE, LLC

  
Aubrey L. Disbro  
Paralegal

cc: Stephen E. Carter, Esquire



MULLEN WYLIE

POST OFFICE BOX 5969  
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