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IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELY COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Civil Action No.: 2014-CP-0800395
Appellate Case No. 2014-002669

Herbert McDowellAppellant,

v.

Alissa R. Collins, Attorney at Law and
David Tatarsky, General Counsel for
South Carolina Department of Corrections.....Respondents.

MOTION TO DISMISS

David Tatarsky, General Counsel for South Carolina Department of Corrections,
improperly captioned as a Respondent in this matter, hereby moves to dismiss this appeal as to
him. The grounds for this Motion are set forth more fully in accompanying Memorandum of
Law pursuant to Rule 240(c)(2), SCACR.

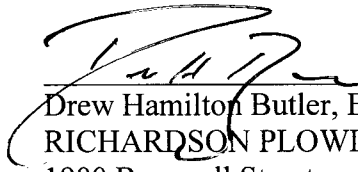
Signature to Follow

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JAN 08 2015

SC Court of Appeals

Respectfully submitted,



Drew Hamilton Butler, Esquire
RICHARDSON PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street
Columbia, South Carolina 29202

ATTORNEY FOR DAVID TATARSKY, GENERAL
COUNSEL FOR SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS

January 8, 2015
Columbia, South Carolina

**THE STATE OF SOUTH CAROLINA
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Herbert McDowell.....Appellant.


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CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., attorneys for Respondents Alissa R. Collins, Attorney at Law and David Tatarsky, General Counsel for South Carolina Department of Corrections, do hereby certify that I have this date served the foregoing Motion to Dismiss by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the following:

Herbert McDowell (SCDC #145167)
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472


Teresa A. Thurmond

Dated: January 8, 2015

Reply to: Charleston
dbutler@richardsonplowden.com

January 8, 2015

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Herbert McDowell v. Alissa R. Collins and David Tatarsky
Appellate Case No.: 2014-002669
Our File No.: 181-744

Dear Ms. Kitchings:

As counsel for the Respondent David Tatarsky, General Counsel for the South Carolina Department of Corrections, I have enclosed for filing an original and seven (7) Copies of the Motion to Dismiss on Behalf of Defendant David Tatarsky in the above referenced matter, along with our original Certificate of Service. I have also enclosed one additional copy of our Motion and would request that it be file stamped and returned to our courier.

We are this day serving a copy of our Respondent's Motion on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,


Drew Hamilton Butler
SC Bar # 70363

DHB/jgh
Enclosure
cc: Counsel of Record
Herbert McDowell

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