

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.
Circuit Court Judge

Case No.: 2014-CP-26-01340

RECEIVED

JAN 12 2015

SC Court of Appeals

M4755

Windy PriceAppellant,

vs.

The Town of Atlantic Beach, The Town of Atlantic Beach
Municipal Election Commission, Carolyn Gore, Lenearl Evans,
Kenneth McIver, Kenneth McLaurin and Joe Montgomery, Respondents.

**RESPONDENTS', THE TOWN OF ATLANTIC BEACH MUNICIPAL ELECTION
COMMISSION, CAROLYN GORE, KENNETH MCIVER, AND JOE MONTGOMERY,
MOTION TO DISMISS APPEAL**

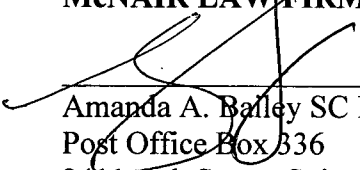
The Respondents, The Town of Atlantic Beach Election Commission, Carolyn Gore, Kenneth McIver, and Joe Montgomery, hereby moves to dismiss the Notice of Appeal of the Appellant, Windy Price, dated May 21, 2014. The grounds for this motion are the failure of Windy Price to timely file her Initial Brief and Designation of Matter on appeal.

By Order of the Court dated October 20, 2014, counsel for Windy Price was permitted to withdraw, and Windy Price was provided 30 days to notify the court of alternate counsel or election to proceed *pro se*. By email on November 20, 2014, the undersigned received the attached notification that Windy Price elected to proceed with the appeal *pro se*. **See Exhibit A.**

Pursuant to the Order of the Court dated April 17, 2014, Windy Price had 30 days from her election to proceed with the appeal *pro se* to file her Designation of Matters and Initial Brief. Windy Price's thirty (30) days expired on December 22, 2014. As of the date of this motion, the undersigned has not been served with a Designation of Matters on Appeal and/or an Initial Brief from Appellant Price.

As a result of Appellant Price's failure to comply with the deadlines set forth in the Order of the Court dated October 20, 2014, as well as Rules 208 and 209, SCACR, this Court should dismiss the Notice of Appeal of the Appellant Price dated May 21, 2014.

McNAIR LAW FIRM, P.A.


Amanda A. Bailey SC Bar #71085

Post Office Box 336

2411 Oak Street, Suite 206

Myrtle Beach, SC 29578

(843) 444-1107

*Attorneys for Respondents The Town of
Atlantic Beach Municipal Election
Commission, Carolyn Gore, Kenneth
McIver, and Joe Montgomery*

Myrtle Beach, South Carolina

January 9, 2015

Windy Price
1009 32nd Avenue South
Apt-A
Atlantic Beach, South Carolina 29582

November 20, 2014

South Carolina Court of Appeals
C/o Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

Ref: Appellate Case No. 2014-001105

Dear Mrs. Kitchings,

I would like to advise the court that I will be representing myself Pro Se for the above referenced case.

Sincerely yours,

Windy Price

Cc: Amanda A. Bailey, Esquire
Leah B. Moody, Esquire
Samuel W. Howell, IV, Esquire
Charles Bernhart Jordan, Jr., Esquire

Exhibit A

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SC Court of Appeals

Windy Price,Appellant,

vs.

The Town of Atlantic Beach, The Town of Atlantic Beach
Municipal Election Commission, Carolyn Gore, Lenearl Evans,
Kenneth McIver, Kenneth McLaurin and Joe Montgomery,..... Respondents.

PROOF OF SERVICE

I, Carole Koerner, an employee of McNair Law Firm, P.A., attorneys for Respondents *The Town of Atlantic Beach Municipal Election Commission, Carolyn Gore, Kenneth McIver, and Joe Montgomery*, in the above-entitled action, certify that I have served these Respondents' Motion to Dismiss Appeal and Proof of Service on all parties to this matter by depositing a copy in the United States Mail, first class postage prepaid on the 9th day of January, 2015.

Other Counsel of Record:

Windy Prince, Pro Se
1009 32nd Avenue South
Apt-A
Atlantic Beach, South Carolina 29582

Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
235 E. Main Street, Suite 115
Rock Hill, South Carolina 29730

Samuel W. Howell, IV, Esquire
Howell, Linkous & Nettles, LLC
106 Broad Street
Charleston, South Carolina 29401

Kenneth McLaurin
709 29th Avenue South
Atlantic Beach, South Carolina 29582

Lenearl Evans
607-C 31st Avenue South
Atlantic Beach, South Carolina 29582


Carole Koerner

Myrtle Beach, South Carolina

MYRTLEBEACH 196738v1

January 9, 2015

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

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JAN 12 2015

SC Court of Appeals

Amanda A. Bailey

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Re: Windy Price v. The Town of Atlantic Beach, The Town of Atlantic
Beach Municipal Election Commission, Carolyn Gore, Lenearl Evans,
Kenneth McIver, Kenneth McLaurin, and Joe Montgomery
Appellate Case no.: 2014-001105

Dear Ms. Kitchings:

Enclosed for filing with the Court, please find original and seven copies of
Respondents, The Town of Atlantic Beach Municipal Election Commission's
Motion to Dismiss Appeal, and Proof of Service with regard to the above matter.
Please return a filed copy of the Motion to Dismiss Appeal, and Proof of Service
in the envelope provided herein.

Pursuant to the Proof of Service, a copy of the Motion to Dismiss Appeal has
been served on all parties of record.

Also enclosed is a check in the amount of \$25.00 as the filing fee.

Very truly yours,

McNAIR LAW FIRM, P.A.


Amanda A. Bailey

AAB/ck

cc: Leah B. Moody, Esquire
Lenearl Evans
Kenneth McLaurin
Samuel W. Howell, IV, Esquire
Windy Price
Clients (via email)

Enclosures

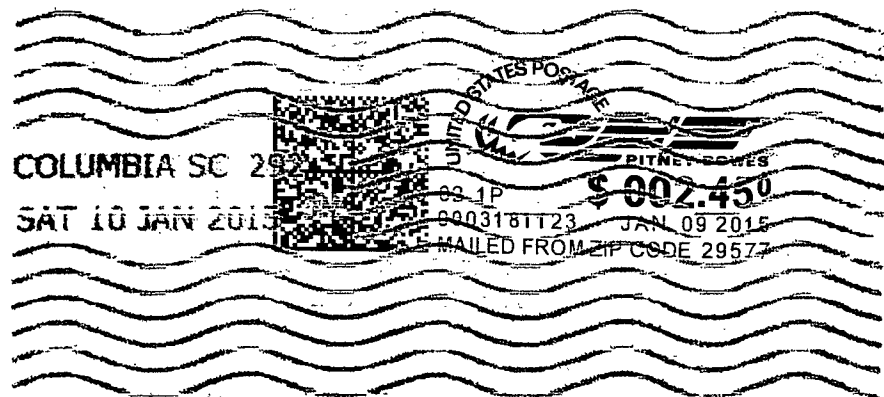
MYRTLEBEACH 203249v1

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Myrtle Beach, SC 29577

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Myrtle Beach, SC 29578

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MCNAIR
ATTORNEYS

The Honorable Jenny Abbott Kitchings
Clerk of Court of Appeals
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