

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Family Court

Marvin H. Dukes, III, Master-in-Equity

Appellate Case No. 2014-001747

Joseph C. Sun,

Appellant,

v.

Marshall L. Horton and
Richard Ulbrich,

Respondents.

MOTION IN OPPOSITION TO APPELLANT'S MOTION TO REINSTATE
APPEAL AND FILE AMENDED INITIAL BRIEF

This motion is filed on behalf of both respondents, Marshall L. Horton and Richard Ulbrich. The respondents oppose Appellant's Motion to Reinstate Appeal and File Amended Initial Brief and respectfully request the Motion be denied for reasons as follows:

1. Appellant has shown a disregard for this Court's orders, rules and directions on several occasions and the Respondents oppose his request to continue to cure this disobedience after the fact and at his convenience.
2. The issue at hand in this motion is notifying the Court of the status of the transcript delivery as requested in the Court's correspondence to Appellant on February 9, 2015. The Appellant had ten days to notify the court of the status of the transcript and failed to do so until almost a month later on March 6, 2015 in his Motion to Reinstate Appeal and File Amended

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Initial Brief.

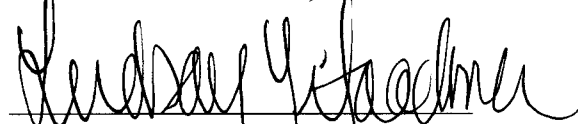
3. Not only did Appellant fail to notify the court of the status of his appeal as requested by the Court he did not serve the Amended Initial Brief of Appellant and accompanying Motion as stated in his Proof of Service. He represents to the Court that he mailed a copy to the Respondents' counsel on March 6, 2015, however, it was hand delivered by the Appellant on March 9, 2015.

4. Furthermore, this is not the first time the Appellant has deceived the Court in regards to this appeal. Appellant stated to the Court in the Appellant's Motion to File Initial Brief Out of Time filed September 22, 2014 that no transcript was available. A transcript of the lower court proceeding was available and an Order from the this Court had to be issued (dated December 12, 2014) to force Appellant's compliance with ordering the transcript as provided for in SCACR 207.

5. The foregoing show a continuous effort by the Appellant to deceive the Court and a complete disregard for the Order and Rules of this Honorable Court. As such, the Respondents respectfully request that the Appellant's Motion to Reinstate Appeal and File Amended Initial Brief be denied.

March 12, 2015

HORTON LAW FIRM, LLC



Lindsay Y. Goodman, Esquire

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ATTORNEY FOR THE RESPONDENT

ULBRICH

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Common Pleas

Marvin H. Dukes, III, Master-in-Equity

Appellate Case No. 2014-001747

Joseph C. Sun,

Appellant,

v.

Marshall L. Horton and
Richard Ulbrich,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion in Opposition to Appellant's Motion to Reinstate Appeal and File Amended Initial Brief on Joseph C. Sun and Marshall L. Horton by depositing a copy of it in the United States Mail, postage prepaid, on March 12, 2015, addressed to:

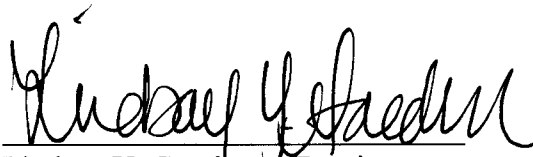
Joseph C. Sun
Post Office Box 151
Bluffton SC 29910

Greg Galvin, Esquire
P.O. Box 887
Bluffton, SC 29910

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March 12, 2014

HORTON LAW FIRM, LLC

A handwritten signature in black ink, appearing to read "Lindsay Y. Goodman". The signature is written in a cursive style and is positioned above a horizontal line.

Lindsay Y. Goodman, Esquire

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MARSHALL L. HORTON
LINDSAY Y. GOODMAN

March 12, 2015

VIA REGULAR MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Drawer 11629
Columbia, South Carolina 29211

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Re: Sun v. Horton and Ulbrich
Appellate Case No.: 2014-001747

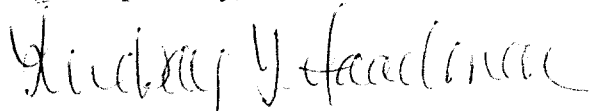
Dear Madam Clerk:

Please find enclosed the original and fifteen (15) copies of the Respondent's Motion in Opposition of Appellant's Motion to Reinstate Appeal and File Amended Initial Brief and Proof of Service.

Please return a stamped copy of the above referenced documents in the self-addressed, stamped envelope also enclosed.

Thank you for your attention to this matter. If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



Lindsay Y. Goodman
Attorney Bar # 100273
Post Office Box 3677
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(843) 757-6190

Attorneys for Respondent Ulbrich

LYG/

Enclosures

cc: Greg Galvin, Esq. (via Regular U.S. Mail)
Joseph Sun (via Regular U.S. Mail)

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AIR MAIL
JENNY ABBOTT KITCHINGS
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COLUMBIA SOUTH CAROLINA 29211

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