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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM RICHALND COUNTY
Court of Common Pleas

JUN 17 2015

SC Court of Appeals

The Hon. Robert E. Hood, Circuit Court Judge

Case No.: 2014-CP-40-00271

Kerry Paul,

Appellant,

v.

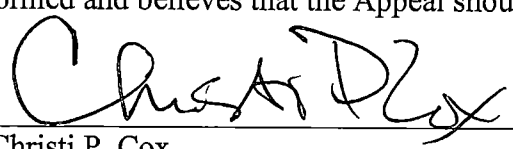
South Carolina Department of
Employment and Workforce,

Respondent.

MOTION AND MEMORADUM TO DISMISS APPEAL

Respondent South Carolina Department of Employment and Workforce ("SCDEW") hereby moves to dismiss the above-captioned Appeal with prejudice on the grounds that the Initial Brief is past due, and has not been served on the Respondent nor filed with the South Carolina Court of Appeals. The Respondent would show that the last transcript of three hearings was received by the Appellant on May 12, 2015, as certified by a letter from Appellant's counsel dated May 13, 2015 and attached hereto as Exhibit A. Pursuant to Rule SCCA 208(a)(4) the Initial brief should have been served on the Respondent and filed with the Clerk on or before June 11, 2015. The Respondent is informed and believes that the Appeal should be dismissed. ¹

June 13 2015



Christi P. Cox
HAMILTON MARTENS BALLOU
& CARROLL, LLC
P.O. Box 10940
Rock Hill, SC 29730
(803) 329-7672
Attorneys for Respondent-Appellant

¹ Respondent is informed and believes that the basis for this motion is self-explanatory, set forth fully and that no further memorandum is necessary.

Other Counsel of Record:

Nancy Bloodgood
895 Island Park Drive
Suite 202
Charleston, SC 29492



FOSTER LAW FIRM, L.L.C.

Attorneys and Counselors at Law

PAUL J. FOSTER, JR., 1928-1999

NANCY BLOODGOOD
nbloodgood@fosterfoster.com
REPLY TO CHARLESTON

May 13, 2015

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

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MAY 15 2015
SBC Court of Appeals

RE: *Kerry Paul v. South Carolina Department of Employment and Workforce*
Appellate Case: 2015-000244
Case No.: 2014-CP-40-271
Our File No.: 11463

Dear Ms. Kitchings,

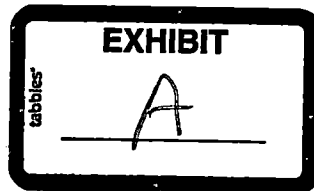
Please allow this letter to serve as notice that counsel for Appellant in the above matter have received the hearing transcripts for the dates of July 23, 2014, September 8, 2014, and November 25, 2014. The last hearing transcript, September 8, 2014, was received on May 12, 2015. By copy of this letter to Respondent's counsel, I am providing her with a copy of such transcripts.

With kindest regards, I am

Sincerely,

Nancy Bloodgood

NB/alk
Enclosures
cc: Kerry Paul
Christi P. Cox, Esquire



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

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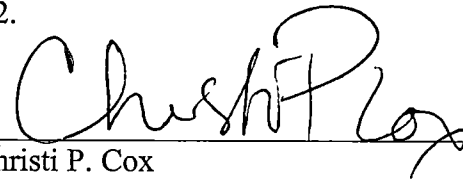
South Carolina Department of
Employment and Workforce,

Respondent.

PROOF OF SERVICE

The undersigned certifies that she has served this Motion to Dismiss Appeal on the Appellant by depositing a copy of it in the United States Mail, postage prepaid, on June 13, 2015, addressed to its attorney of record, Nancy Bloodgood, 895 Island Park Drive, Suite 202, Charleston, SC 29492.

June 13, 2015



Christi P. Cox
HAMILTON MARTENS BALLOU
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June 15, 2015

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JUN 17 2015

SC Court of Appeals

Office of the Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Kerry Paul vs. South Carolina Department of Employment and Workforce*
Appellate Case No.: 2015-000244
Our File No.: 11655-011

To whom it may concern:

I have enclosed the original and seven copies of Respondent's Motion to Dismiss in connection with the above-referenced matter. Please file the original and return one clocked copy to me in the envelope I have enclosed.

By copy of this letter to Nancy Bloodgood, counsel for the Appellant, I have enclosed a copy of the Motion for Dismiss

Thank you again for your assistance in this matter.

Sincerely,

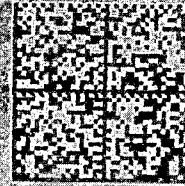

L. Melia Sweatt
Paralegal

/lms
Enclosures
cc: Nancy Bloodgood
895 Island Park Drive
Suite 202
Charleston, SC 29492

4824-0878-9284, v. 1

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