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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Appellate Case No. 2015-000359
Case No. 2011-CP-42-3951

RECEIVED

AUG 03 2015

SC Court of Appeals

Dickie Shults,Appellant,

v.

Angela G. Miller,Respondent.

APPELLANT'S MOTION TO COMPEL RESPONDENT TO
COMPLY WITH RULE 211(b)

The Appellant hereby files this motion respectfully asking this Court for an order requiring the Respondent to file a final brief that complies with Rule 211(b), SCACR.

BACKGROUND

On May 27, 2015, the Respondent served her initial brief. The initial brief contains only one footnote (on an unnumbered page in the Arguments section). On July 10, 2015, the Respondent served her first final brief. The Respondent's final brief was rejected, on July 21, 2015, by the Clerk of Court because the Respondent's final brief did not comply with Rule 211, SCACR. On July 27, 2015, the Respondent filed her second final brief. In the second final brief, the Respondent has two footnotes. The Respondent added a footnote on page 3, in the Statement of the Case, that starts with

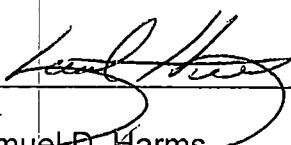
the words: "Appellant unilaterally." The new footnote is a paragraph containing 56 words and 3 sentences. The second footnote (originally the first footnote) is now on page 10 of the final brief. The Respondent's second final brief is not identical to her initial brief.

ARGUMENT

Rule 211(b), SCACR, states that "[t]he final brief(s) shall be identical to the brief(s) previously served under Rule 208, except for the following: (1) References to the Record ... (2) Correction of Typographical Errors and Misspellings." In this case, the Respondent added a 56 word, 3 sentence paragraph to her final brief. The Respondent's final brief is not identical to her initial brief, and no exceptions apply that authorize the changes in the final brief. Therefore, the Appellant respectfully requests that the Court issue an order requiring the Respondent to file a final brief that complies with Rule 211(b), SCACR, and remove the additional paragraph.

Counsel affirms that he has consulted with opposing counsel prior to the filing of this motion and has attempted in good faith to resolve the matter contained in the motion.

July 30, 2015



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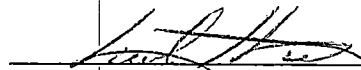
Angela G. Miller,Respondent.

PROOF OF SERVICE

I certify that I have served the Appellant's Motion to Compel Respondent to Comply with Rule 211(b) on Angela G. Miller by depositing a copy of it in the United States Mail, postage prepaid, on July 30, 2015, addressed to her attorney of record:

Robert E. Davis, Esq.
The Ward Law Firm, P.A.
P.O. Box 5663
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July 30, 2015



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