

THE STATE OF SOUTH CAROLINA  
*In the Supreme Court*

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**RECEIVED**

APPEAL FROM BEAUFORT COUNTY  
Court Of Common Pleas

AUG 12 2015

The Honorable Marvin H. Dukes, III

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**S.C. SUPREME COURT**

Appellate Case No. 2015-001312

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Cynthia Griffis, Plaintiff,

v.

Cherry Hill Estates, LLC, Eugene O'Neil, and Ronald Faulkner, Defendants,

Cherry Hill Estates, LLC and Ronald Faulkner, Third Party Plaintiffs, Petitioners,

v.

Anthony E. Griffis, Third Party Defendant, Respondent.

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**REPLY TO PETITIONER'S  
RETURN TO MOTION TO DISMISS**

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Anthony E. Griffis  
355 Park Ave SW  
Aiken, SC 29081  
(843) 368-5013  
Pro Se Respondent

Petitioner's "Motion for Extension of Time to File Appendix" dated June 19, 2015, does not state any "cause" for said extension, much less a "good cause" as required by the Order of The Supreme Court of South Carolina, dated July 16, 2014 (Re: Extensions in Cases Seeking a Petition for Writ of Certiorari, herein referred to as the "Order").

In his "Return to Motion to Dismiss", Petitioner argues that the "cause" for the extension was that the Appendix "was not available from the third party binding and paper company, Staples" on the due date for the Writ and Appendix. This argument is not "good cause" because:

1. Rule 240(c)(3), SCACR, requires that "where the facts relied upon in support of the Motion are not contained in the Record on Appeal or Appendix, the parties *shall* file affidavits and other documents in support of their positions." Here, Petitioner asks this Court to accept his excuse (similar to "the dog ate my homework") without any supporting affidavit, from Staples or otherwise. Because there is no supporting affidavit, this Court should disregard Petitioner's excuse for late filing.

2. Rule 242(c), SCACR, grants Petitioner thirty (30) days to file the Appendix. As this Court notes in the Order, "the preparation of the appendix should take little time or effort since it is composed of documents that have already been filed with the Court of Appeals". The Petitioner's excuse, that Staples did not have enough time to bind the Appendix, is frivolous, given that the simple "binding" of the Appendix should have been accomplished within the thirty (30) days. The Order also warned that "the press of other business is not an extraordinary circumstance which will warrant the granting of an extension". Certainly, given thirty (30) days to have the simple task of preparing the

Appendix, Petitioner's blaming Staples is not "good cause" for an extension under the Order.

### CONCLUSION

This Court should dismiss the Writ of Certiorari because Petitioner failed to timely file the Appendix as required by Rule 242(e), SCACR, and this Court's Order dated July 16, 2014. Petitioner did not state any reason in his Motion for an Extension, much less a "good cause" reason. Petitioner's excuse in his Return, blaming Staples, is not "good cause" or an "extraordinary circumstance" contemplated by the Order, given that Petitioner had thirty (30) days to prepare the Appendix. Further, Petitioner's excuse is totally unsupported by an affidavit or other documents, as required by Rule 240(c)(3).

Respectfully Submitted,



Anthony E. Griffis  
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Pro Se Respondent

Aiken, South Carolina

August 10, 2015

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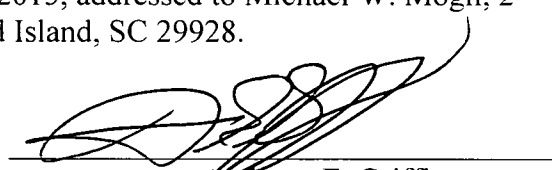
Anthony E. Griffis, Third Party Defendant, Respondent.

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**PROOF OF SERVICE**

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I certify that I have served the "Reply to Petitioner's Return to Motion to Dismiss" on Michael W. Mogil, Esq. attorney for Petitioners, by depositing a copy of it in the United States mail, postage prepaid, on August 10, 2015, addressed to Michael W. Mogil, 2 Corpus Christie Place, Ste. 303, Hilton Head Island, SC 29928.



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