

# The South Carolina Court of Appeals

Jigness Patel, Respondent,

v.

Dipak M. Pate, Navnit V. Dhana, as Personal Representatives of the Estate of Dahyabhai Jivanji Patel a/k/a D.J. Patel; Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel; International Trade Linkers, Inc.; Wells Fargo & Company; Wells Fargo Bank, N.A.; County of Charleston; John Doe and Jane Doe representing all other persons or corporations unknown claiming any right, title, estate, interest in or lien upon the real estate described in the Complaint, and Richard Roe representing any unknown infants or persons in the military service designated as class, Defendants,

Of whom Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel, is the Appellant.

Appellate Case No. 2015-001607

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## ORDER

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Appellant's attorney filed a notice of appeal indicating the attorney's law office received a copy of the order on appeal "on or about June 16, 2015." Appellant served Respondent with the notice of appeal on July 24, 2015. Respondent has filed a motion to dismiss. Because Appellant has failed to timely serve the notice of appeal, Respondent's motion to dismiss is granted. *See* Rule 203(b), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a timely motion for judgment n.o.v. (Rule 50, SCRCPP), motion to alter or amend the judgment (Rules 52 and 59, SCRCPP), or a motion for a new trial (Rule 59, SCRCPP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt

of written notice of entry of the order granting or denying such motion."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice.").

  
FOR THE COURT

Columbia, South Carolina

cc:  
Joseph Alfred Vasquez, Esquire  
William Koatesworth Swope, Esquire

