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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ANDERSON COUNTY  
For the Court of Common Pleas

R. Lawton McIntosh, Judge for Tenth Judicial Circuit

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Appeal Case No. 2015-000647

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Terry and Suzette Patton,.....Appellants,

v.

American Lifestyle Homes, LLC, Rufus G. Revis d/b/a American Lifestyle Homes, and  
Anderson Brothers Concrete, LLC, Marcus Clinkscales a/k/a Marcus Anderson d/b/a  
Anderson Brothers Concrete, LLC, and Scott Brown, ..... Respondents.

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REPLY BRIEF OF RESPONDENT SCOTT BROWN TO  
APPELLANTS' PETITION TO REINSTATE APPEAL

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The undersigned attorneys, on behalf of Respondent Scott Brown, reply to Appellants' Petition to Reinstate Appeal and request the Court deny Appellants' Petition pursuant to Rule 260(a), SCACR.

Appellants failed to serve the record on appeal as required by Rule 210, SCACR. They contend a member of the counsel's staff failed to appropriately calendar the date of service of the Record on Appeal and that is sufficient to show good cause under Rule 260(a), SCACR. It is clear in South Carolina that negligence on the part of an attorney is imputable to the client, and will not be the basis of finding good cause. See Williams v.

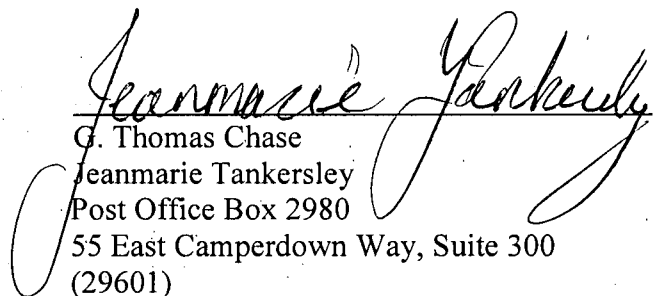
Vanvolkenburg, 312 S.C. 373, 440 S.E.2d 408 (Ct.App. 1994) (finding lack of good cause to set aside default where attorney negligence was imputed to party which failed to Answer the Complaint); Richardson v. P.V., Inc., 383 S.C. 610, 682 S.E.2d 263 (2009) (finding that negligence on the part of an attorney will be imputed to a defaulting litigant and negligence does not constitute good cause to relieve an appellant from entry of default); Limehouse v. Husley, 2011 S.C. App. LEXIS 124 (Ct.App. 2011).

Appellants have not provided a sufficient explanation rising to the standard of good cause for which their failure to timely file the Record of Appeal should be excused. Respondents have been prejudiced with additional and continued costs and delays stemming from Appellants' failure to comply with the South Carolina Appellate Court Rules. Therefore, Respondents respectfully request that the Court deny Appellants' Petition to Reinstate Appeal and Accept Record on Appeal and Appellant's Final Brief Out of Time and Grant Respondent Time to File Final Brief, and that the Court's Order dismissing the matter be upheld.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC

October 5, 2015

  
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Anderson Brothers Concrete, LLC, and Scott Brown.....Respondents.

CERTIFICATE OF SERVICE

I hereby certify that I have this 5<sup>th</sup> day of October 2015, caused to be served a copy of Reply Brief of Respondent Scott Brown to Appellants' Petition to Reinstate Appeal by mailing a copy of same, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

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