

78085

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Appellate No. 2015-001457

RECEIVED

DEC 08 2015

SC Court of Appeals

THE SPRIGGS GROUP, P.C.,..... Respondent,

v.

GENE R. SLIVKA, Appellant.

RESPONDENT'S MOTION TO DISMISS

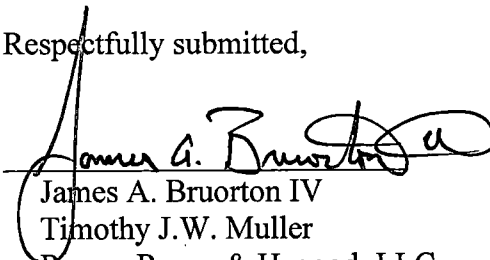
The Respondent, The Spriggs Group, P.C., asks this Honorable Court to immediately dismiss this Appeal based upon Appellant's failure to file the required Record on Appeal. Pursuant to SCACR 206(a), whenever it appears that an appellant has failed to comply with the requirements of these Rules, the clerk shall issue an Order of Dismissal, which shall have the same force and effect as an order of the appellate court.

Under SCACR 201, within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief and immediately file proof of service of the Record with the Court. In this matter, Respondent's Initial Brief was served via United States Mail on October 28, 2015 to Appellant's attorney of record, Robert T. Lyles, Jr., Esquire of Lyles & Lyles, LLC at 342 East Bay Street, Post Office Box 773, Charleston, South Carolina 29402. Appellant filed no reply to Respondent's Initial

Brief; therefore, October 28, 2015 is the date of service of the last brief. Accordingly, Appellant was to have served Respondent with the Record on Appeal and file the required proof of service with the Court by November 30, 2015.¹ As of the date of this motion, December 4, 2015, no Record on Appeal has been served upon the Respondent. Counsel for the Respondent has confirmed with the Clerk of Court's Office that no proof of service of the Record on Appeal has been filed.

Appellant's failure to serve the Record on Appeal in a timely manner is evidence of Appellant's failure to comply with the South Carolina Appellate Court Rules. As a result, Respondent respectfully requests that this Appeal be dismissed.

Respectfully submitted,



James A. Bruorton IV
Timothy J.W. Muller
Rosen, Rosen & Hagood, LLC.
151 Meeting Street, Suite 400
Charleston, SC 29401
(843) 577-6726

Attorneys for Respondent

December 4, 2015
Charleston, SC

¹ The due date for service of the Record on Appeal would have been November 27, 2015, but the Thanksgiving holiday pushes the date to Monday, November 30, 2015.

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM COLLETON COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

RECEIVED

DEC 08 2015

SC Court of Appeals

Appellate Case No. 2015-001457

THE SPRIGGS GROUP, P.C.,..... Respondent,

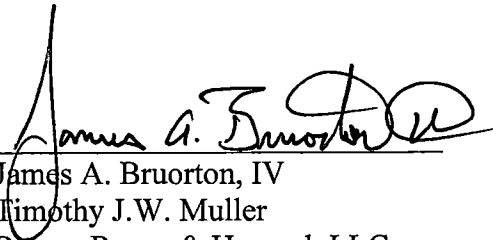
v.

GENE R. SLIVKA, Appellant.

PROOF OF SERVICE

I certify that I have served Respondent's Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on December 4, 2015, to Appellant's attorney of record, Robert T. Lyles, Jr., Esquire, Lyles & Lyles, LLC, 342 East Bay Street, Post Office Box 773, Charleston, South Carolina, 29402.

December 4, 2015



James A. Bruorton, IV
Timothy J.W. Muller
Rosen, Rosen & Hagood, LLC
PO Box 893
Charleston, SC 29402
(843) 577-6726
cbuorton@rrhlawfirm.com
tmuller@rrhlawfirm.com
Attorneys for Respondent

ROSEN | HAGOOD

James A. Bruorton, IV
cbruorton@rrhlawfirm.com

RECEIVED

DEC 08 2015

SC Court of Appeals

December 4, 2015

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

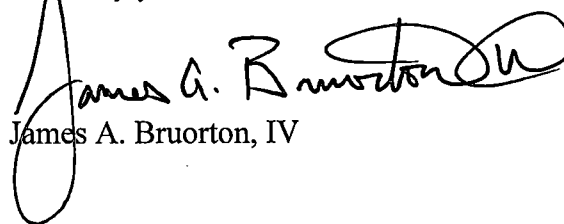
Re: The Spriggs Group, P.C. v. Gene Slivka
Appellate Case No. 2015-001457

Dear Ms. Kitchings:

Enclosed please find an original and six copies of Respondent, The Spriggs Group, P.C.'s Motion to Dismiss the above referenced appeal, along with my firm's check for the necessary filing fee. The motion is being filed pursuant to SCACR 260(a) based upon Appellant, Gene Slivka's failure to comply with the requirements of the Appellate Court rules.

With kindest regards, I am

Sincerely yours,

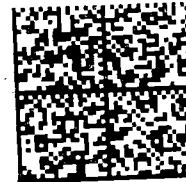


James A. Bruorton, IV

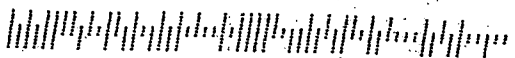
CAB/cab

cc: Robert T Lyles, Jr., Esquire

9016.000
ISC



US POSTAGE
\$ 01.86
Mailed From 29401
12/04/2015
031A 0004182841



Rosen, Rosen & Hagood, LLC
Attorneys And Counselors At Law
P.O. Box 893
Charleston, South Carolina 29402

First Class Mail
First Class Mail

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

RECEIVED

DEC 08 2015

SC Court of Appeals

