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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**RECEIVED**  
DEC 10 2015  
SC Court of Appeals

Mikell R. Scarborough, Master-in-Equity

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Case No. 2014-002661

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John M. English,

Appellant,

v.

Ellen Sexton,

Respondent.

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MOTION TO DISMISS APPEAL  
AS TO THIS RESPONDENT  
OR IN ITS ENTIRETY

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**TO: APPELLANT AND HIS COUNSEL, DAVID M. COLLINS, ESQUIRE,**

**PLEASE TAKE NOTICE** that, on the 10th day hereafter or at such other time as the Court may direct, or, in the alternative, without a hearing if this Court should find that no hearing shall be required, Respondent John Evander White, Jr. (hereinafter, "this Respondent") shall move before this Court and does hereby move before this Court, for its proper order as follows:

1. Pursuant to Rule 269. South Carolina Rules of Appellate Procedure, dismissing Appellant's appeal as it relates to or may relate to any provision regarding this Respondent's entitlement to his attorney's fees upon the grounds that such appeal is frivolous, or, in the alternative, dismissing this appeal in its entirety pursuant to Rule 260(a) upon the grounds that Appellant has failed to serve a Record on Appeal, which record is necessary to the proper consideration of this appeal;
2. Requiring Appellant and his counsel to immediately comply with the provisions of the order of Mikell R. Scarborough to pay the sum of \$ 18,112.69 to this Respondent as his attorney's fees; and,
3. Requiring Appellant and his counsel to pay to this Respondent interest on the award of this Respondent's attorney's fees at the judgment rate from the date of such judgment to the date of payment.

The grounds for this motion are that:

(a ) Appellant has not prosecuted this appeal in accordance with the South Carolina Rules of Appellate procedure in that Appellant has not served a Record on Appeal so that this appeal may be properly decided; and,

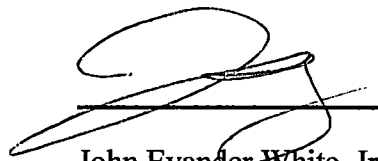
(b) the Appellant's appeal as to this Respondent is frivolous in that:

(i) Appellant's Initial Brief argues against the Order of the Lower Court as to the sole issue involving this Respondent by reciting facts only in a conclusory fashion without citation of legal authority; and also,

(ii) Appellant has not even alleged in testimony or by affidavit or in his initial brief that he has a lawful defense to payment of Respondent's fees.

(iii) Appellant has not served a Record on Appeal so that the merits of the appeal may be properly considered.

December 7, 2015



John Evander White, Jr.

5305 Sumters Run

North Charleston, South Carolina 29418

(843) 327-0850

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

Case Number 2010-CP-10-7241

John M. English,

Appellant

v.

Ellen Sexton,

Respondent.

PROOF OF SERVICE

I certify that I served the Respondent's Motion to Dismiss Appeal As to This Respondent or Its Entirety upon Appellant and all other counsel of record by depositing a copy thereof in the United States mail, postage prepaid, on December 7, 2015, addressed as follows:

**RECEIVED**

DEC 10 2015

SC Court of Appeals

David A. Collins, Esquire

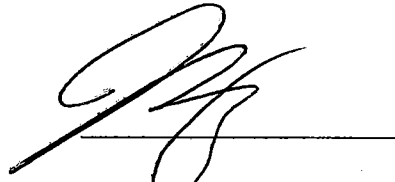
Post Office Box 40978

North Charleston, SC 29423

G. Thomas Hill, Esquire

6209 Savannah Highway

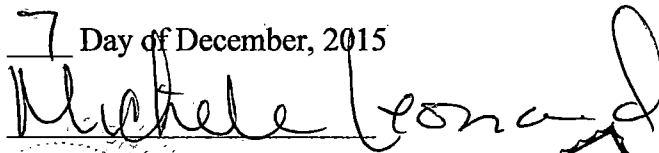
Ravenel, SC 29470



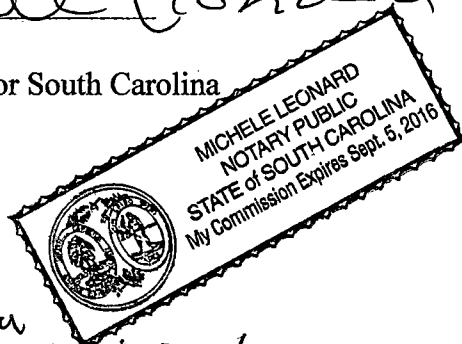
John E. White, Jr.

SWORN TO BEFORE ME THIS

7 Day of December, 2015



Notary Public for South Carolina



MY COMMISSION  
EXPIRES 05 SEPT 2016

**THE WHITE LAW FIRM, LLC**

5305 Sumters Run  
North Charleston, South Carolina 29418  
Phone (843) 327-0850 / e-Fax (864) 751-4197  
Email: vanwhitelaw@live.com

December 7, 2015

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1013 Sumter Street  
Columbia, South Carolina 29201

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DEC 10 2015  
SC Court of Appeals

RE: John M. English v. Ellen Sexton  
Case No. 2014-002661  
Lower Court Case No. 2010-CP-10-7241

Dear Ms. Kitchings:


Please find enclosed herewith my check for the motion filing fee and the original and 7 copies of the following:

1. Motion to Dismiss Appeal as to this Respondent or in its Entirety; and,
2. Proof of service.

Please file the original and 6 copies of each and please return one copy to me in the self-addressed, stamped envelope provided. Should you have any questions or concerns, please do not hesitate to contact me..

Thank you.

Sincerely,



John E. White, Jr.

cc: David A. Collins, Esq.  
G. Thomas Hill, Esq.

The Whit  
5305 Su  
N. Charleston, SC 29418



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The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1013 Sumter Street  
Columbia, SC 29201

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