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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

RECEIVED

JAN 04 2016

SC Court of Appeals

Appellate Case No. 2015-002558

Chris N. Domnick Respondent,

v.

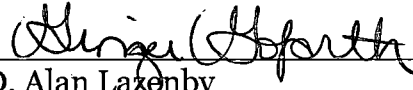
Frank Leroy Domnick, Jr. and Shelly L. Domnick Appellants.

MOTION TO DISMISS

Respondent moves pursuant to Rule 240, SCACR to dismiss this appeal on the ground that the Appellants have failed to timely order a transcript of the trial proceedings, and have not sought permission to order the transcript outside of time, pursuant to Rule 207, SCACR. The deadline for ordering the transcript expired on December 29, 2015, and the Appellants were notified of this deadline. Therefore, Respondent moves to have the appeal dismissed.

Respondent also requests that the Court of Appeals award Respondent available costs and attorney fees pursuant to Rule 222, SCACR.

Respectfully submitted,



D. Alan Lazenby

Ginger D. Goforth

LAZENBY LAW FIRM, LLC

PO Box 6099

Spartanburg, SC 29304

Telephone: (864) 804-5050

ATTORNEYS FOR RESPONDENT

December 31, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

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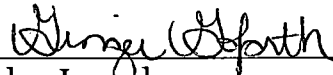
v.

Frank Leroy Domnick, Jr. and Shelly L. Domnick Appellants.

PROOF OF SERVICE

I, the undersigned, hereby certify the Motion to Dismiss in the above referenced matter was mailed, postage prepaid, to Appellants on December 31, 2015 as follows:

Frank Leroy Domnick Jr. and Shelly Domnick
121 West End St.
Chester, SC 29706



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ATTORNEYS FOR RESPONDENT

December 31, 2015

LAZENBY LAW FIRM, LLC

ATTORNEYS AT LAW

D. ALAN LAZENBY *
GINGER D. GOFORTH

*ALSO LICENSED IN GA

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340 E. MAIN ST., SUITE 240
SPARTANBURG, SC 29302
PHONE: 864-804-5050
FAX: 864-804-5051

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JAN 04 2016

SC Court of Appeals

December 31, 2015

The Honorable Jenny Abbott Kitchings
SC Court of Appeals Clerk
PO Box 11629
Columbia, SC 29211

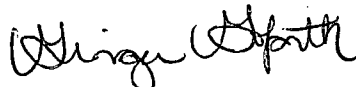
Re: *Chris N. Domnick v. Frank L. Domnick Jr. and Shelly Domnick*
Appellant C.A. No: 2015-002558

Dear Ms. Kitchings:

Enclosed for filing are an original and seven copies of a Motion to Dismiss in the above case. I also include a Proof of Service certifying service of these documents upon Appellants.

Please file the original and send a clocked copy back to me in the envelope I have enclosed for your convenience. I appreciate your assistance in this regard.

Sincerely,



Ginger D. Goforth
ginger@lazenbylawfirm.com

GDG: je

Enclosures

cc: Frank L. Domnick Jr. and Shelly Domnick (via US Mail)

LAZENBY LAW FIRM
PO Box 6099
SPARTANBURG SC 29304

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THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF COURT FOR COURT OF APPEALS
PO Box 11629
COLUMBIA SC 29211-1629

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