

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
James B. Jackson, Jr., Master-In-Equity
Trial Court Case No. 2011CP3801392

RECEIVED

JAN 11 2016

SC Court of Appeals

Appellate Case No. 2015-001112

South Carolina Federal Credit Union.Respondent,

v.

Dorothy Harley Sistrunk a/k/a Dorothy
Harley-Sistrunk a/k/a Dorothy A. Harley
a/k/a Dorothy SistrunkAppellant.

REPLY TO APPELLANT’S RETURN & OBJECTION TO MOTION TO DISMISS
OR, IN THE ALTERNATIVE, COMPEL APELLANT TO INCLUDE IN THE
RECORD ON APPEAL ALL ITEMS DESIGNATED BY RESPONDENT AND
STRIKE ITEMS INCLUDED BY APPELLANT IN THE RECORD ON APPEAL
NOT PREVIOUSLY DESIGNATED

Pursuant to Rules 210(f) of the South Carolina Appellate Court Rules,
Respondent South Carolina Federal Credit Union (“SCFCU”) hereby files this reply
to its motion to dismiss this appeal as a result of Appellant’s failure to timely serve
the complete record on appeal on SCFCU or, in the alternative, for an order (a)
compelling Appellant to include in the record on appeal all items designated by
SCFCU and (b) striking items from the record on appeal not previously designated by
Appellant (the “Motion”).

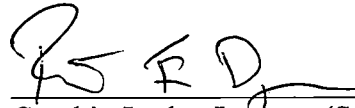
On December 8, 2015, Appellant served what purports to be a copy of the Record on Appeal in this above-captioned appeal. This Record on Appeal failed to include all matters designated by SCFCU as required by Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 ...”).

SCFCU hereby reincorporates its arguments asserted in the Motion regarding dismissal of this appeal and striking Appellant’s “undesigned” items. Moreover, as to the issue of Appellant’s inclusion of “undesigned” items, SCFCU has not consented to supplementation of the record as is required under Rule 212(b), SCACR.

As to Appellant’s failure to include items designated by SCFCU for inclusion in the Record on Appeal, in her Objection to the Motion, Appellant admits that she failed to include all items so designated in their entirety. Appellant does not get to pick and choose which of SCFCU’s designations should be included in the Record on Appeal or determine what portion of those items should be included. Instead, Rule 210(c), SCACR, requires that Appellant include all items designated by SCFCU in their entirety. SCFCU has certified that those items designated were relevant to the appeal.

Therefore, SCFCU requests that the Court enter an order (a) requiring Appellant to file a supplemental record on appeal to include the SCFCU’s missing designations in their entirety and (b) striking the “undesigned” items outlined in the Motion or, in the alternative, dismissing this appeal.

Respectfully submitted,



Cynthia Jordan Lowery (SC Bar No. 12499)

Reid E. Dyer (SC Bar No. 79155)

MOORE & VAN ALLEN, PLLC

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Attorneys for Respondent South Carolina
Federal Credit Union

January 8, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
James B. Jackson, Jr., Master-In-Equity
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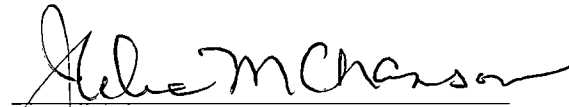
Dorothy Harley Sistrunk a/k/a Dorothy
Harley-Sistrunk a/k/a Dorothy A. Harley
a/k/a Dorothy SistrunkAppellant.

PROOF OF SERVICE

This is to certify that I have this day served the Appellants in the foregoing matter with a copy of the foregoing *Reply to Appellant's Return & Objection to Motion to Dismiss or, in the Alternative, Compel Appellant to Include in the Record on Appeal All Items Designated by Respondent and Strike Items Included by Appellant in the Record on Appeal Not Previously Designated* by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

Dorothy Harley Sistrunk
423 Bayne Street
Orangeburg, SC 29115

January 8, 2016



Julie M. Chanson
MOORE & VAN ALLEN, PLLC
78 Wentworth Street
Post Office Box 22828
Charleston, SC 29413-2828
Telephone: (843) 579-7000

Moore & Van Allen

January 8, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Reid E. Dyer
Attorney at Law

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Moore & Van Allen PLLC

JAN 11 2016

78 Wentworth St.
Charleston, SC 29401-1428

SC Court of Appeals

Mailing Address:
Post Office Box 22828
Charleston, SC 29413-2828

**Re: South Carolina Federal Credit Union, Respondent, v. Dorothy Harley Sistrunk a/k/a
Dorothy Harley-Sistrunk a/k/a Dorothy A. Harley a/k/a Dorothy Sistrunk, Appellant.
Appellate Case No. 2015-001112
MVA File No. 028648.003865**

Dear Ms. Kitchings:

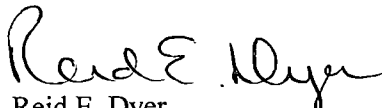
Enclosed for filing, please find the original and seven (7) copies of Respondent's *Reply to Appellant's Return & Objection to Motion to Dismiss or, in the Alternative, Compel Appellant to Include in the Record on Appeal All Items Designated by Respondent and Strike Items Included by Appellant in the Record on Appeal Not Previously Designated*.

Please file the original and return a clocked-in copy to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving a copy of the foregoing pleadings on the pro se appellant.

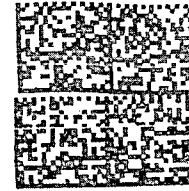
Sincerely,

MOORE & VAN ALLEN, PLLC


Reid E. Dyer

Enclosures – as stated

cc (w/ encl.): Dorothy Hayes Sistrunk
423 Banye Street
Orangeburg, SC 29115



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01/08/2016

Mailed From 29401

US POSTAGE

Moore & Van Allen

Moore & Van Allen PLLC

78 Wentworth Street
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Charleston, SC 29413-2828

The Honorable Jenny Abbott Kitchings
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