

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE GREENVILLE COUNTY  
Court of Common Pleas  
Edward W. Miller, Circuit Court Judge

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Case No.: 2015-001932

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Benjamin L. Anderson, ..... Appellant,

v.

DaVita Upstate Dialysis Center, ..... Respondent

78443  
**RECEIVED**  
JAN 15 2016  
SC Court of Appeals

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**RESPONDENT'S MOTION TO DISMISS APPEAL**

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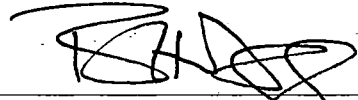
The Respondent, DaVita Upstate Dialysis Center, pursuant to Rule 240, SCACR, moves the Court for an order dismissing the appeal filed by the Appellant. In support of the motion, the Respondent shows the following to the Court:

1. The appeal has not been pursued in conformity with applicable court rules for the following reasons:

(a) The appellant has failed to order a transcript from the Greenville County court reporter more than One Hundred (100) days of the date of service of the notice of appeal, and more than sixty (60) after being granted an extension of time to order the transcript, in violation of Rule 207(a)(1), SCAR.

(b) The appellant failed to file the Notice of Appeal with the Clerk of the Greenville County Court of Common Pleas Clerk within ten (10) days after service of the notice of appeal as required by Rule 203(d)(1)(B), SCACR.

WHEREFORE, the Respondent respectfully requests that the Notice of Appeal be dismissed and for such other and further relief as the court deems just and appropriate.



*for*  
Martin S. Driggers, Jr.  
Richard E. McLawhorn, Jr.  
115 Cargill Way, Suite B  
Hartsville, SC 29550  
Phone: (843) 878-0398

**ATTORNEYS FOR RESPONDENT**

Hartsville, South Carolina  
January 15, 2016

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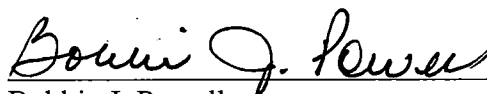
**CERTIFICATE OF MAILING**

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I, the undersigned, Lynn G. Bottenus, Paralegal to Martin S. Driggers, Jr., Sweeny, Wingate & Barrow, P.A., do hereby certify that the document hereinbelow specified has this day been served upon opposing counsel and all interested parties in this action by depositing same in the United States mail, postage prepaid, this 15<sup>th</sup> day of January, 2016, addressed as follows:

DOCUMENT:           RESPONDENT'S MOTION TO DISMISS APPEAL

COPY TO:            BENJAMIN L. ANDERSON  
                          445 W. REBOUND ROAD  
                          LANCASTER, SC 29720  
                          *PRO SE*

  
Bobbie J. Powell  
Legal Assistant

# S·W·B

SWEENY WINGATE & BARROW P.A.

January 15, 2016

Reply to: Pee Dee Office

Martin S. Driggers, Jr.  
(843) 878-0390 ext 7181  
[msd@swblaw.com](mailto:msd@swblaw.com)  
Also admitted in NC.

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

78443  
RECEIVED

JAN 15 2016

SC Court of Appeals

RE: Benjamin L. Anderson vs. Upstate Dialysis Center  
Case No. 2015-001932  
Our File No. 3245/9481

Dear Ms. Kitchings:

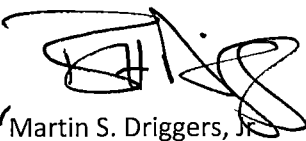
Please find attached Respondent's Motion to Dismiss Appeal along with a check totaling \$25.00 in this matter for filing in your office. By copy of this letter I am providing a copy of this Motion to the Appellant.

Should you have any questions concerning this matter please call my paralegal Lynn Bottenus at (843) 398-1282, or me at the above number.

With kind regards, I remain

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

  
for Martin S. Driggers, Jr.

MSD/lgb

Enclosures

cc: Mr. Benjamin L. Anderson, *Pro Se*