

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Joe M. Crosby, Master-in-Equity

RECEIVED

JAN 22 2016

SC Court of Appeals

APPELLATE CASE NO. 2015-002484

TD Bank, N.A., Successor by merger to
Carolina First Bank, N.A.,Respondent,

vs.

Sunil V. Lalla and Sharon W. Lalla, Appellants.

RETURN TO RESPONDENT’S MOTION TO DISMISS


This matter is before the Court pursuant to the Respondent’s Motion to Dismiss Appellants’ appeal. On January 7, 2016, the Respondent filed a Motion to Dismiss the Appellants’ appeal pursuant to Rule 240 of the South Carolina Appellate Court Rules on the grounds that Appellants failed to comply with the Appellate Court Rules, specifically Rule 208 by failing to file their initial brief and designation of matter to be included in the record on appeal by December 29, 2015. On January 19, 2016, the Appellants, in response to the Respondent’s Motion, filed a motion for an extension of time to file and serve their Initial Appellants’ Brief and Designation of Matter to be Included in the Record on Appeal, and for an extension of time to file those pleadings out of the time limits prescribed by Rule 208 of the South Carolina Rules of Appellate Procedure. After conferring with the Clerk’s office, Appellants amended their Motion on January 21, 2016, to specifically request an additional

fifteen (15) days to prepare, file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The Appellants respectfully request that the Court deny the Respondent's Motion to Dismiss. The undersigned has moved for an additional (short) period of time to complete and file the Appellants' Brief. This time, if granted, will not in any way delay the appeal in this matter. Further, it will allow this matter to be heard on its merits. Therefore, the undersigned request that the Respondent's Motion to Dismiss be denied by this Court.

MOORE TAYLOR LAW FIRM, PA

BY:



S. Jahue Moore,
Post Office Box 5709
West Columbia, South Carolina 29171
(803) 796-9160
Attorney for Appellants

West Columbia, South Carolina
January 22, 2016

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Carolina First Bank, N.A.,Respondent,

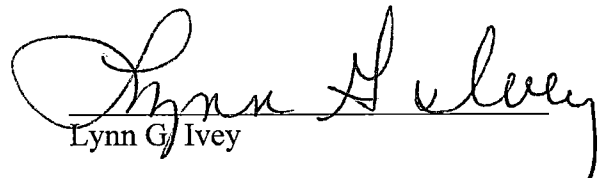
vs.

Sunil V. Lalla and Sharon W. Lalla, Appellants.

PROOF OF SERVICE

I, Lynn G. Ivey, an employee of Moore Taylor Law Firm, P.A. certify that I have served the Appellants' Return to Respondent's Motion to Dismiss by mail on January 22, 2016, by way of US Mail, with sufficient prepaid postage, to the counsel of record addressed as follows:

Tara C. Sullivan, Esquire
Nelson Mullins, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201


Lynn G. Ivey

West Columbia, South Carolina

January 22, 2016

January 22, 2016

VIA HAND DELIVERY:

Attention Amelia

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: TD Bank vs. Sunil V. Lalla and Sharon W. Lalla
C.A. No.: 2011-CP-22-00342

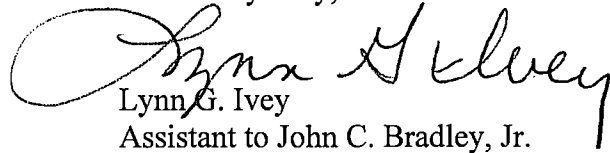
Dear Ms. Kitchings:

You will please find enclosed the original and seven (7) copy of the Appellants' Return to Respondent's Motion to Dismiss. I would appreciate your filing the original in your office and return the filed copies to me via my courier.

Under cover of this letter, I am serving opposing counsel with a copy of this Return.

Thank you for your assistance in this matter.

Yours very truly,


Lynn G. Ivey
Assistant to John C. Bradley, Jr.

Enclosures
cc w/encl.: Tara C. Sullivan, Esquire

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SC Court of Appeals

S. Jahue Moore*
J. Mark Taylor*
C. Vance Stricklin, Jr.
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