

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 15-ALJ-17-0050-CC

Appellate Case No. 2015-002637

RECEIVED

MAR 25 2016

SC Court of Appeals

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.


MOTION TO DISMISS APPEAL OR FOR OTHER RELIEF
OR SANCTIONS BY RESPONDENT

Brett Gries, Pro Se
680 Implement Road
Aiken, SC 29803
(815)-342-2628
Appellant

James M. Holly, Esquire
P. O. Box 5925
Aiken, SC 29804
(803)-221-4276
Attorney for Respondent

The Respondent, Aiken County Tax Assessor, through its counsel record, hereby moves before this Court for an order dismissing above-captioned appeal on the grounds that Appellant failed to comply with Rule 207(b)(1), South Carolina Appellate Court Rules (SCACR), by not timely ordering a transcript of the entire proceedings before the Administrative Law Court and otherwise failing to comply with that rule; that Appellant failed to comply Rule 210 (f), SCACR, in that he did not arrange for the Exhibits from the proceedings before the Administrative Law Court to be transferred to this Court and has created and served new exhibits; that Appellant served an Initial Brief that includes significant alleged facts, arguments and exhibits that were not before the Administrative Law Court and which constitute an effort to retry the matter de novo in clear violation of S.C. Code Ann. Section 1-23-610 (B) (Supp. 2015); and that Appellant improperly sought to seek to obtain a remedy from Respondent on the matter being appealed during the pendency of this appeal by threatening a criminal prosecution against a witness for the Respondent in the proceedings before the Administrative Law Court. This motion is made pursuant to Rules 260(a) and 269, SCARC, and is supported by the legal authorities and arguments set forth in the Memorandum, including attachments and an affidavit of counsel filed herewith.

Based on the foregoing, the Respondent respectfully moves the Court to dismiss the above-captioned appeal or issue such other remedies or sanctions against Appellant as it determines is proper and stay the time limits for perfecting the appeal pursuant to Rule 240(b), SCACR, until this motion is decided.

A handwritten signature in black ink, appearing to read "James M. Holly", is written over a horizontal line.

James M. Holly
P. O. Box 5925
Aiken, SC 29804
(803)-221-4276
Attorney for Respondent

March 25, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 15-ALJ-17-0050-CC

Appellate Case No. 2015-002637

RECEIVED

MAR 25 2016

SC Court of Appeals

Brett Gries, Appellant,


v.

Aiken County Assessor, Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the Motion to Dismiss Appeal or for Other Relief or Sanctions by Respondent and the Memorandum in Support of Motion to Dismiss Appeal or for Other Relief or Sanctions by Respondent, together with all Attachments thereto, by depositing a copy of those same documents in the United States Mail, postage prepaid, on March 25, 2016, addressed to Appellant Brett Gries, 680 Implement Road, Aiken, SC 29803.

March 25, 2016


James M. Holly
P.O. Box 5925
Aiken, SC 29804
(803)-221-4276
Attorney for Respondent