

5

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

JAN 26 2016
SC Court of Appeals

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

Case No. 2011-CP-22-00342

Appellate Case No. 2015-002484

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

v.

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

REPLY TO APPELLANTS' RETURN TO MOTION TO DISMISS

Pursuant to Rule 240(f) of the South Carolina Appellate Court Rules, Respondent TD Bank, N.A., Successor by merger to Carolina First Bank, N.A. (hereinafter "TD Bank"), hereby replies to the Return to TD Bank's Motion to Dismiss this appeal filed by Appellants Sunil V. Lalla and Sharon W. Lalla ("Appellants").

TD Bank moved to dismiss this appeal after Appellants failed to file and serve their Initial Brief and Designation of Matter as required by Tuesday, December 29, 2015. Appellants oppose the Motion to Dismiss because they subsequently moved for an extension of time in which to file and serve their Initial Brief and Designation of Matter. See Appellants' Return to Motion to Dismiss. However, Appellants' Motion for an Extension has been returned and is not currently pending. See Letter from Court of Appeals dated January 25, 2016. Accordingly, this extension request should not serve as grounds to deny the Motion to Dismiss.

As set forth in the Motion to Dismiss, dismissal of this appeal is required because Appellants failed to timely serve and file their Initial Brief and Designation of Matter with this Court. *See* Rule 208(a)(4), SCACR (“Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal . . .”). Therefore, TD Bank respectfully requests that the Court dismiss this appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Tara C. Sullivan
Thomas William McGee, III, SC Bar No. 11317
E-Mail: billy.mcgee@nelsonmullins.com
A. Mattison Bogan, SC Bar No. 72629
E-Mail: matt.bogan@nelsonmullins.com
Tara C. Sullivan, SC Bar No. 79806
E-Mail: tara.sullivan@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

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

Columbia, South Carolina

January 26, 2016.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas
Honorable Joe M. Crosby, Master-in-Equity

JAN 26 2016

SC Court of Appeals

Case No. 2011-CP-22-00342
Appellate Case No. 2015-002484

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

v.

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

PROOF OF SERVICE

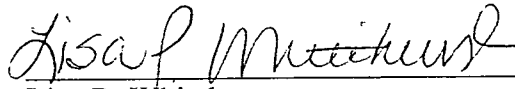
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for TD Bank, N.A., successor by merger to Carolina First Bank, N.A., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Reply to Appellants' return to Motion to Dismiss

Counsel Served:

S. Jahue Moore, Esquire
Moore Taylor Law Firm
Post Office Box 5709
West Columbia, SC 29171



Lisa P. Whitehurst
Administrative Assistant

January 26, 2016

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9079
www.nelsonmullins.com

Tara C. Sullivan
Tel: 803.255.9591
Fax: 803.255.9079
tara.sullivan@nelsonmullins.com

January 26, 2016

RECEIVED

JAN 26 2016

SC Court of Appeals

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

RE: TD Bank, NA, Successor by merger to Carolina First Bank, N.A., Respondent
v. Sunil V. Lalla and Sharon W. Lalla, Appellants
Appellate Case No. 2015-002484
Our File No. 04387/01834

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Respondent's Reply to Appellants' Return to Motion to Dismiss in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier.

By copy of this letter to counsel of record, we are serving them with a copy.

Very truly yours,



Tara C. Sullivan

TCS:lpw

Enclosures

cc: S. Jahue Moore, Esquire