

79268

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

APPEAL FROM OCONEE COUNTY  
COURT OF COMMON PLEAS  
Ellis B. Drew, Master in Equity

APR 14 2016

SC Court of Appeals

Case No. 2014-CP-37-00143  
Appellate Case No.: 2015-001860

Polly Thompson, ..... Respondent,  
v.  
Cathy Swicegood, ..... Appellant.

RETURN TO MOTION  
AND MOTION TO ACCEPT REPLY OUT OF TIME AS FILED

Appellant submits the following in response to the Respondent's Motion to Strike. Appellant further moves to have this Court accept the Reply and Amended Designation of Matter out of time as filed.

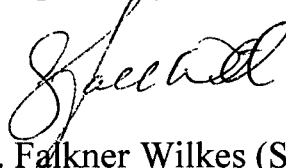
On December 4, 2015 the Appellant filed and served the Appellant's Initial Brief and Designation of Matter. On December 5, 2015, Appellant moved to stay the appeal pending the resolution of the issue of marriage between the parties in (Appellate Case No.: 2014-001109). Appellant was under the impression that the prior motion to stay the appeal would stay the time until a ruling on Appellant's motion to stay. On March 4, 2016, Respondent filed her

Initial Brief. Appellant, under the belief that the time was stayed, filed the Reply of the Appellant and Amended Designation of Matter on March 27, 2016.

There has been no harm to the substantive or procedural rights of any party to the case. Nor would the acceptance of the Reply present any procedural prejudice to the Respondent. The Reply is necessary for this Court to fully address the issues in the case, and responds in particular to the issue of jurisdiction, which may be raised at any time.

Wherefore, Appellant moves to have the Court accept the Reply of the Appellant and Amended Designation of Matter out of time as filed.

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)  
114 Whitsett Street  
Greenville, SC 29601  
(864) 282-1292  
Counsel for Appellant

April 11, 2016.

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

APR 14 2016

**SC Court of Appeals**

APPEAL FROM OCONEE COUNTY  
COURT OF COMMON PLEAS  
Ellis B. Drew, Master in Equity

Case No. 2014-CP-37-00143  
Appellate Case No.: 2015-001860

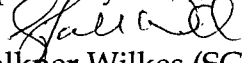
Polly Thompson, ..... Respondent,  
v.  
Cathy Swicegood, ..... Appellant.

CERTIFICATE

I certify that on April 11, 2016, I served the Appellant's Return and Motion seeking the Court to accept the Reply and Designation as filed out of time on the Respondent by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel of record and others as indicated below:

Ms. Margaret A. Chamberlain  
Chamberlain Law Firm, LLC  
Chamberlain Law Firm, LLC  
600 Pettigru Street  
Greenville, SC 29601  
Attorney for Respondent

Respectfully submitted,

  
J. Falkner Wilkes (SC Bar #12893)  
114 Whitsett Street  
Greenville, SC 29601  
(864) 282-1292  
Counsel for Appellant

April 11, 2016.

# J. FALKNER WILKES

*Attorney at Law*

114 Whitsett Street  
Greenville, South Carolina 29601

Telephone: (864) 282-1292  
Facsimile: (864) 271-6035

April 11, 2016

Jenny Abbott Kitchings  
Clerk of the Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

APR 14 2016

SC Court of Appeals

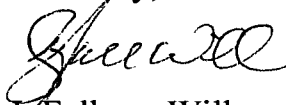
Re: Polly Thompson v. Cathy Swicegood, 2014-CP-37-00143  
Appellate Case No. 2015-001860

Dear Ms. Kitchings,

It was my understanding that the time was stayed pending a ruling on the earlier motion to stay the appeal. As a result I did not file the Reply and Designation until March 27<sup>th</sup>. The Respondent has filed a motion to strike the Reply because it was not filed on March 14<sup>th</sup>.

I am enclosing a Return and Motion explaining my actions and requesting that the Reply and Designation be accepted as filed. As this is a return and motion I have enclosed a check for the filing fee.

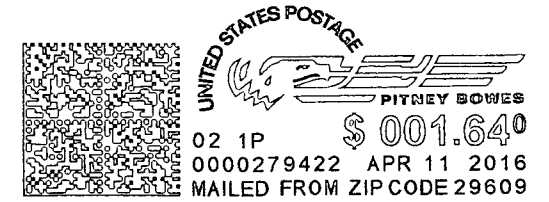
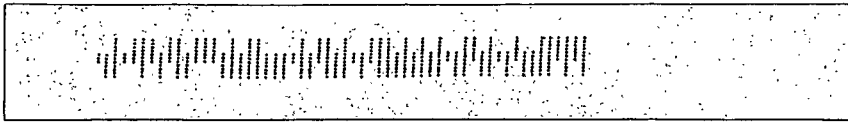
Sincerely,



J. Falkner Wilkes

c:


Ms. Margaret A. Chamberlain  
Chamberlain Law Firm, LLC  
600 Pettigru Street  
Greenville, SC 29601  
Attorney for Respondent



J. Falkner Wilkes, Attorney-at-Law  
114 Whitsett Street, Greenville, SC 29601  
(864) 282-1292

---

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



**RECEIVED**

APR 14 2016

SC Court of Appeals