

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Judge

RECEIVED

MAY 09 2016

SC Court of Appeals

Case No. 2016-000584

CJR Resources, Inc. f/k/a Ron's Building Materials, Inc.....Respondent,

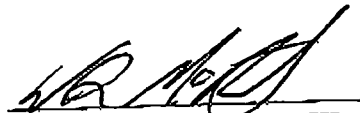
v.

Commercial & Industrial Floors, Inc., and Dabney Maides.....Appellants,

v.

Christopher M. Keel Respondent.

RETURN TO RESPONDENTS' MOTION TO DISMISS



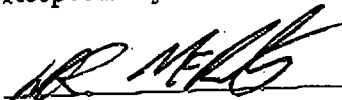
William R. McKibbon III
S.C. Bar No. 68454
601 E. McBee Ave, Ste. 204
Greenville, SC 29601
864.235.0071, 864.235.0072 (f)
will@legalcarolina.com
Attorney for Appellants
May 6, 2016

NOW INTO COURT come the Appellants who respectfully request that this Honorable Court deny Respondents' Motion to Dismiss. This motion is based upon the fact that according to the Clerk of Court's direct communication with Appellants' counsel prior to the filing due date, the Initial Brief and Designation of Matter were filed in a timely manner.

Attached as part of this motion is an affidavit of Appellants' counsel, as Exhibit A, wherein Appellants assert that their counsel specifically called the South Carolina Court of Appeals prior to the due date of the Initial Brief to confirm the due date and was clearly told by the Clerk or Deputy Clerk that the Initial Brief was due on or before April 20, 2016. Appellants did, in fact, very deliberately choose to file on April 20, 2016 in order to utilize all time available. The Initial Brief and Designation of Matter were filed by mailing on April 20 and on the same day were hand delivered to the attorneys of record. No objections were raised by counsel when placed in the hands of counsel on the day of service, and Respondents' Motion was then filed and served on April 27, a full seven days after Appellants had filed their Initial Brief.

Appellants therefore request that the motion be denied.

Respectfully submitted,



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Attorney for Appellants

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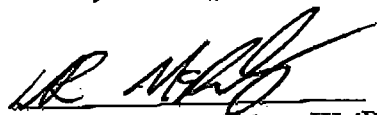
CJR Resources, Inc. f/k/a Ron's Building Materials, Inc..... Respondent,
v.
Commercial & Industrial Floors, Inc., and Dabney Maides.....Appellants,
v.
Christopher M. Keel Respondent.

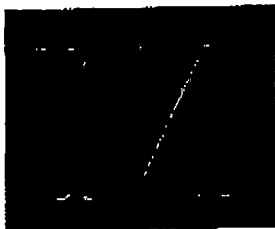
PROOF OF SERVICE

I hereby certify and offer proof of service that the Respondents were served Appellants' Return to Respondents' Motion to Dismiss by hand delivery, pursuant to Rule 262, Rules of Appellate Practice, this 8th day of May, 2016 to the following attorneys of record:

Courtney C. Atkinson
9 Toy Street
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864.214.2319, 864.214.3067 (f)
catkinson@malawfirm.com
Attorney for Respondent Christopher Keel

John T. Crawford, Jr.
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Attorney for Respondent CJR Resources, Inc.


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Attorney for Appellants



WILLIAM R. MCKIBBON III
ATTORNEY AT LAW

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May 8, 2016

MAY 09 2016

SC Court of Appeals

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

Re: 2016-000584
CJR Resources, Inc. v. Commercial & Industrial Floors, Inc.

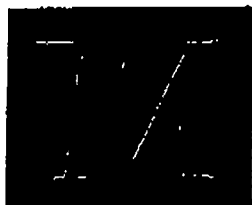
Dear Ms. Kitchings:

Please find enclosed for filing Appellants' Return to Respondents' Motion to Dismiss.
Thank you kindly for your assistance.

Very truly yours,

William R. McKibbon III

cc: Courtney Atkinson
John Crawford
(both via hand delivery)



WILLIAM R. MCKIBBON III
ATTORNEY AT LAW

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MAY 09 2016

SC Court of Appeals

FAX

TO: *CLERK OF COURT*

FROM:

ATTN: *SHELBY*

864.235.0072

RECIPIENT FAX NUMBER:

DATE:

803 - 734 - 1839

ATTENTION:

TOTAL NO. OF PAGES, INCLUDING COVER

7

RE:

2016 - 000584

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- PLEASE RECYCLE

NOTES/COMMENTS

PLEASE SEE ATTACHED ORIGINAL TO FOLLOW IN MAIL.

*Sincerely,
Will*