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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

JUL 06 2016

S. Phillip Lenski, Administrative Law Judge

SC Court of Appeals

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

Appellate Case No. 2015-002637

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

MOTION TO DISMISS APPEAL, TO STRIKE OR FOR OTHER RELIEF
BY RESPONDENT

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

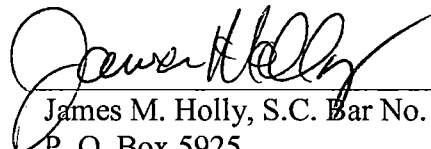
James M. Holly
SC Bar No. 02572
P. O. Box 5925
Aiken, SC 29804
(803)-221-4276
Attorney for Respondent

Respondent, Aiken County Tax Assessor, through its counsel of record, hereby moves before this Court for an order dismissing above-captioned appeal on the grounds that on June 13, 2016, Appellant filed a Seconded Amended Initial Brief and a document entitled "Brief, Cases, Statutes, and Other Authorities" that violate the Order of this Court filed May 20, 2016, and also violate Rules 209(b) and 210(c), SCARC. The above-noted filings by Appellant include alleged facts, arguments and exhibits that were not before the Administrative Law Court. Further, the filings constitute an effort by Appellant to retry the matter de novo on appeal before this Court in violation of S.C. Code Ann. Section 1-23-610 (B) (Supp. 2015).

Based on the foregoing, Respondent respectfully moves in the alternative that the Court strike Appellant's Second Amended Initial Brief and the document entitled "Brief, Cases, Statutes, and Other Authorities" or issue such other relief against Appellant as it determines is proper.

Further, Respondent requests that the Court stay the time limits for perfecting the appeal pursuant to Rule 240(b), SCACR, until this motion is decided.

This motion is made pursuant to Rules 209(b), 210(c), 260(a) and 269, SCARC, and is supported by the Memorandum filed herewith.


James M. Holly, S.C. Bar No. 02572
P. O. Box 5925
Aiken, SC 29804
(803) 221-4276
Attorney for Respondent

July 5, 2016

THE STATE OF SOUTH CAROLINA
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S. Phillip Lenski, Administrative Law Judge

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Brett Gries, Appellant,

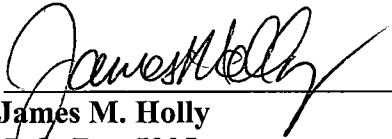
v.

Aiken County Assessor, Respondent.

CERTIFICATE OF SERVICE

I certify that I served the Motion to Dismiss Appeal, Strike or for Other Relief by Respondent together with the Memorandum in Support by depositing a copy of thereof in the United States Mail, postage prepaid, on July 5, 2016, addressed to Appellant Brett Gries, 680 Implement Road, Aiken, SC 29803.

July 5, 2016


James M. Holly
P.O. Box 5925
Aiken, SC 29804
(803)-221-4276
SC Bar No.0002572
Attorney for Respondent



Aiken County
County Attorney

Remembering the Past, Preparing for the Future

James M. Holly
County Attorney

July 5, 2016

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SC Court of Appeals

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

RE: Brett Gries vs. Aiken County Assessor
SC Court of Appeals: Appellate Case No. 2015-002637

Dear Clerk Kitchings:

Please find enclosed for filing one original and six copies of the Respondent's Motion to Dismiss Appeal, to Strike or for Other Relief together with a supporting Memorandum and one copy of the Certificate of Service on Appellant. Also enclosed is a check for the filing fee.

Thank you for your assistance.

Yours very truly,

A handwritten signature in cursive script, appearing to read "James M. Holly".
James M. Holly
Attorney for Respondent

Cc: Mr. Brett Gries, Appellant Pro Se



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The HONORABLE Jenny Abbott Kitchings
Clerk
South Carolina Court of Appeals
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Columbia, SC 29211

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SC Court of Appeals