

State of South Carolina  
Richland County Circuit Court  
City of Columbia, Respondent  
Haiyan Lin<sup>V.</sup>, Appellant.  
Appellate Case No. 2015-001866  
Motion For A New Trial.

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SC Court of Appeals

During preparing the appellant's initial brief, the appellant has uncovered a new evidence that the notice of the hearing in the circuit court was sent to P.O. Box 8667, instead of P.O. Box 8776. That is why the appellant did not receive the hearing notice. Hence it caused the appellant failed to appear at the hearing. The appeal was dismissed for failing to prosecute.

A fundamental requirement of due process clause is proper notice. Therefore, the appellant is entitled for a new trial. See *Simmons V. Simmons*, 392 S.C. 412, 709 S.E.2d 666 (2011).

Pursuant Rule 60(b) SC RCP, the appellant hereby moves to set aside the judgement for a new trial to protect her due process and equal protection right, guaranteed by the 5th and 14th amendments of US Constitution.

June 27, 2016

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202  
803-504-3604

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South Carolina Court of Appeal  
City of Columbia, Respondent  
v.  
Haiyan Lin, Appellant  
Appellate Case No. 2015-001866  
Motion To Leave for A New Trial

Pursuant Rule 60(b) SCRPC, the appellant moves to leave the appellate court to file a motion for a new trial in the lower court based on the newly discovered evidence. The Motion For A New Trial is hereby attached.

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South Carolina Court of Appeal  
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Appellate Case No. 2015-001866

Certificate of Service

I certify that I have served  
the respondent the Motion to Leave for  
A New Trial and the Motion For A New  
Trial to

Patrick Carpenter Sharpe  
The City Attorney's Office  
P.O. Box  
Columbia, SC 29202

by US mail on  
June 27, 2016

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