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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

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JUN 27 2016

D. Garrison Hill, Circuit Judge

SC Court of Appeals

Appellate Case No. 2015-000778
Case No. 2013-CP-23-01762

Carol Simpson,

Appellant,

v.

Frank A. Landgraff, Carol Sutton, Sutton & Associates
Investigations, Inc., Defendants,

Of Whom Frank A. Landgraff is the

Respondent.

APPELLANT'S MOTION TO STRIKE
RESPONDENT'S FINAL REPLY BRIEF

William G. Mayer
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Attorney for the Appellant

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant moves for an Order striking Respondent's Final Brief. Throughout this case, Respondent has complained of any *perceived* violation of the rules by Appellant, no matter how minor, and now, applying a different standard to himself, intentionally violates SCACR 211(b). The rule provides the following:

The final brief(s) shall be identical to the brief(s) previously served under Rule 208, except for the following:

- (1) References to the Record. The references in the initial brief shall be revised to indicate where the material appears in the Record on Appeal. These revised references may be in place of or in addition to the initial references . . .
- (2) Correction of Typographical Errors and Misspellings. The party may correct obvious typographical errors and misspellings which were contained in the initial brief. **No other changes may be made.** (Emphasis added).

Respondent's attorneys certified that Respondent Final Brief complies with the rule. Even a cursory examination of the briefs shows this not to be so.

Respondent's attorneys made almost 100 changes to the final brief – some minor and some quite substantial – that were not to correct “obvious typographical errors and misspellings.” This number increases if the reader counts all the references to the supplemental record that is the subject of Respondent's Motion to Supplement Record on Appeal.

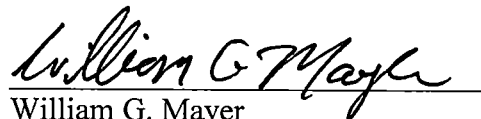
Most of the changes involve adding or deleting single words as well as approximately 20 changes which add or delete phrases, emphasis, or dependent clauses. In a display of unmitigated audacity, Respondent's attorneys added more than 25 complete sentences.

Respondent's flagrant disregard for the appellate court rules should not go without sanction. In his Motion to Dismiss filed almost a year ago, Respondent argued that

South Carolina's appellate courts impose rules on litigants to ensure the fairness of the process and to ensure its propriety. It is not acceptable for Simpson – who is, along with her counsel, a member of the South Carolina Bar -- to willfully disregard the appellate court rules. Accordingly, the Court should dismiss Simpson's appeal due to her non-compliance.

Appellant requests that this Court strike his Final Reply Brief due to his non-compliance and award attorney's fees, costs, and whatever other sanctions the Court finds appropriate.

Respectfully submitted,



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June 24, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Judge

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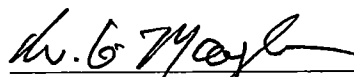
Of Whom Frank A. Landgraff is the

Respondent.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served a copy of Appellant's Motion to Strike Respondent's Final Brief upon the individuals named below, by placing a copy in the United States Mail, postage prepaid and return address clearly indicated to the addresses below on this 24 day of June, 2016:

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SC Court of Appeals

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