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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No.: 2016-001334

RECEIVED

NOV 07 2016

SC Court of Appeals

Caria Gorritz,Appellant,

v.

Prime Financial Services,.....Respondent.

MOTION TO DISMISS

The undersigned does move this Court to dismiss the above captioned action, without prejudice, and remitter sent to the Court of Common Pleas, Fifth Judicial Circuit. The appeal is premature because the Appellant has a pending motion before the Court of Common Pleas. Therefore a final determination on the case has not been made by the Circuit Court and the appeal is in violation of Rule 201(a).

On May 20, 2016, The Honorable Judge L. Casey Manning issued an Order dismissing Appellant's appeal from judgment of Pontiac Magistrate Andy Surles on Appellant's violation of lease agreement for failure to prosecute.

On May 27, 2016, the Order was filed with the Richland County Clerk of Court and Respondent sent a copy of the Order to Appellant Certified Mail, Return Receipt.

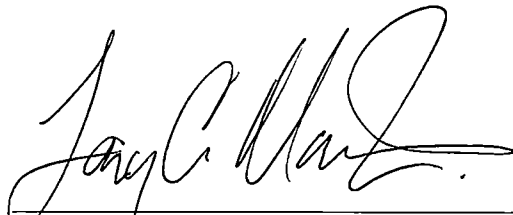
On June 10, Appellant filed a motion for new trial. Appellant failed to serve or give notice of motion to Respondent. Respondent was unaware of the Appellant's motion until recently when contacted by Judge Manning's office concerning the motion roster.

On June 21, 2016, Appellant filed notice of appeal. The appeal is currently pending before this Court.

On or about November 1, 2016, Respondent was notified by the office of the Honorable Judge L. Casey Manning that Appellant has a pending Rule 59 motion for a new trial on the motion roster of the Court of Common Pleas in the 5th Judicial District. This was the first time Respondent was made aware that Appellant has a pending motion before the Circuit Court. Because Respondent has just learned of the pending motion in the Circuit Court, is the reason why Respondent is just now filing the Motion to Dismiss.

Under rule 201(a), an appeal may be taken upon final judgment. There is a pending motion in the Court of Common Pleas on the above captioned case, therefore, final judgment has not been issued, and the appeal should be dismissed.

WHEREFORE the Respondent respectfully asks this Court to Dismiss the Appeal, without prejudice, and Remitter to the Court of Common Pleas of the 5th Judicial District.



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ATTORNEY FOR RESPONDENT

November 7, 2016

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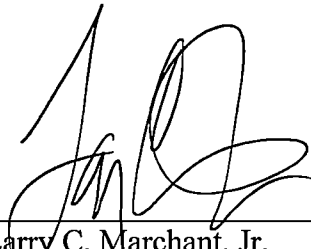
v.

Prime Financial Services,.....Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on November 7 2016, addressed to the Appellant as follows:

**Caria Gorritz
128 Castlewood Lane
Elgin, South Carolina 29045**



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November 7, 2016