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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
The Honorable J. Cordell Maddox, Circuit Court Judge
Appellate Case No: 2016-001124

RECEIVED
NOV 03 2016
SC Court of Appeals

Dan Temple.....Appellant

v.

Oconee County Sheriff's Department.....Respondent

MOTION TO DISMISS

Dan Temple
809 Calvary Circle
Fultondale, AL 35068
Pro Se Appellant

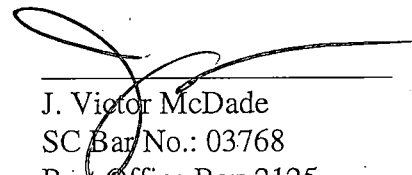
J. Victor McDade
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for the Respondent

The Appellant filed his Initial Brief on October 11, 2016 along with documents entitled Designation of Matter to be Included in the Record on Appeal. On October 20, 2016, this Court issued a deficiency letter advising the Appellant that the deficiency must be corrected within ten (10) days of the date of the letter or the appeal would be dismissed. The Plaintiff was advised that his filing was not acceptable as a designation of matter. Plaintiff has not corrected the deficiency and a proper Designation of Matter to be Included in the Record on Appeal is required for the Respondent to issue its initial response brief. Respondent requests that Plaintiff's Appeal be dismissed. In the alternative, Respondent requests that his brief be due twenty (20) days after the service of the Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,

DOYLE, TATE & MCDADE, P.A.

By:



J. Victor McDade
SC Bar No.: 03768
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for the Respondent

Dated: November 1, 2016

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Dan Temple.....Appellant

v.

Oconee County Sheriff's Department.....Respondent


CERTIFICATE OF SERVICE

I certify that on November 1, 2016, I served a copy of this Motion to Dismiss on all parties, addressed as shown below:

Dan Temple
809 Calvary Circle
Fultondale, AL 35068

DOYLE, TATE & MCDADE, P.A.

By:



J. Victor McDade
SC Bar No.: 03768
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for the Respondent

Dated: November 1, 2016

DOYLE, TATE & McDADE, P.A.
Attorneys at Law
201 North Main Street, Suite 400
Post Office Box 2125
Anderson, South Carolina 29622

CARY C. DOYLE (1931-2012)
RAYMOND A. TATE, JR. (1954-2013)
J. VICTOR McDADE

Phone: 864.224.7111
Fax: 864.226.1517
E-mail (McDade): jvmcdade@dotmlaw.com

November 1, 2016

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SC Court of Appeals

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

IN RE: • Dan Temple v. Oconee County Sheriff's Dept.
• Appellate Case No.: 2016-001124

Dear Clerk of Court,

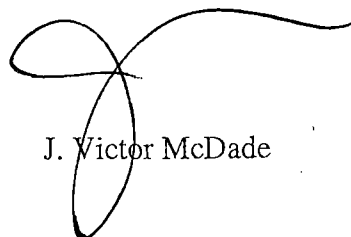
Enclosed please find an original and one copy of the *Respondent's Motion to Dismiss* along with the accompanying *Certificate of Service* and filing fee of \$25.00 (check # 5003) for the above referenced matter. Please file the original, and return a certified copy to my office in the enclosed self addressed stamped envelope.

If you have any questions, please don't hesitate to contact me.

Best regards.

Very truly yours,

DOYLE, TATE & McDADE, P.A.



J. Victor McDade

JVM/km
encl.

DOYLE, TATE & McDADE, P.A.
ATTORNEYS AT LAW
Post Office Box 2125
ANDERSON, SOUTH CAROLINA 29622



South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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