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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2016-001751

RECEIVED
OCT 13 2016
SC Court of Appeals

Lisa Randolph.....Appellant,

v.

Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General, and Cherokee County and Blacksburg Police Department, Defendants,

Of whom Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General is the
.....Respondent.

**RESPONDENT’S MOTION TO DISMISS APPEAL OR, ALTERNATIVELY,
TO STAY APPELLATE PROCEEDINGS**

Respondent, Dolgencorp, LLC d/b/a Dollar General Store #76751, a/k/a Dollar General (hereinafter “Respondent”), by and through its undersigned attorneys, hereby moves this Honorable Court, pursuant to Rules 201(a) and 203(b)(1), SCACR, for an Order dismissing this appeal or, alternatively, for an Order staying any appellate proceedings, for the reasons set forth below.

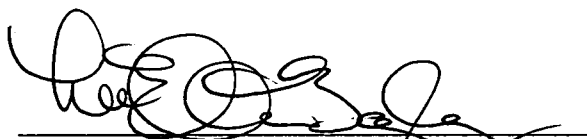
Currently, the underlying matter of *Lisa Randolph and George Randolph v. Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General*¹, 2014-CP-11-0052, remains pending before the Cherokee Court of Common Pleas. Specifically, Appellant/Plaintiff Lisa

¹ This Honorable Court affirmed by Unpublished Opinion No. 2016-UP-149, filed March 30, 2016, the trial court’s dismissal of all claims asserted by Plaintiffs against former Defendants Cherokee County and Blacksburg Police Department.

Randolph and Plaintiff George Randolph's Rule 59(e), SCRCPP, Motion for Reconsideration of the trial court's Order granting summary judgment in favor of Respondent, filed July 25, 2016, has not yet been heard or ruled upon by the trial court. Accordingly, Respondent requests that this Honorable Court dismiss the instant appeal as it is not yet ripe for consideration pursuant to Rule 201(a), SCACR. Alternatively, Respondent requests that the Court issue an order staying all appellate proceedings in this matter pending a final ruling from the trial court on Appellant/Plaintiff's pending Motion for Reconsideration. Absent a ruling from the trial court as to the Motion for Reconsideration, Appellant has no right to appeal pursuant to Rule 201(a), SCACR, as the trial court's Order granting summary judgment to Respondent is not yet a "final judgment, appealable order or decision" given Appellant/Plaintiff's Motion for Reconsideration of that Order, which currently remains pending before the trial court. *See* Rule 201(a), SCACR.

The undersigned certifies that, given the nature of this Motion, consultation with the opposing party would serve no useful purpose.

Respectfully submitted,



Lee Ellen Bagley, SC Bar No. 77672
Regina Hollins Lewis, SC Bar No. 68539
Randi Lynn Roberts, SC Bar No. 78888
GAFFNEY LEWIS & EDWARDS, LLC
3700 Forest Drive, Suite 400
Columbia, South Carolina 29204
(803) 790-8838 (telephone)
(803) 790-8841 (fax)

Attorneys for Respondent

October ____, 2016

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Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General, and Cherokee
County and Blacksburg Police Department, Defendants,

Of whom Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General is the
.....Respondent.

CERTIFICATE OF SERVICE

I do hereby certify, on this 10 day of October, 2016, that a copy of the foregoing filed
and executed **Respondent's Motion to Dismiss or, Alternatively, to Stay Appellate
Proceedings** was served by depositing a copy of the same in the United States Mail, both
Regular U. S. Mail and Certified U.S. Mail, Return Receipt Requested, addressed as follows:

Lisa Randolph
203 W. Carolina Street
Blacksburg, SC 29702
Appellant


Ashley Cashdollar, Legal Assistant

Columbia, South Carolina



**GAFFNEY LEWIS
& EDWARDS**

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3700 Forest Drive, Suite 400, Columbia, SC 29204 | T: 803.790.8838 | F: 803.790.8841

October 10, 2016

www.glelawfirm.com

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

RECEIVED

OCT 13 2016

SC Court of Appeals

Re: *Lisa Randolph v. Dolgencorp, LLC d/b/a Dollar General Store #76751, a/k/a Dollar General, and Cherokee County, and Blacksburg Police Department, Defendants,*

Of whom Dolgencorp, LLC d/b/a Dollar General Store #76751, a/k/a Dollar General is the Respondent.

Appellate Case No.: 2016-001751

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven (7) copies of Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General's Motion to Dismiss Appeal or, Alternatively, to Stay Appellate Proceedings in the above-referenced matter. We would appreciate you filing the original and returning a stamped copy in the enclosed self-addressed envelope.

By copy of this letter we herewith serve Appellant with same.

Thank you for your assistance. Should you any questions or need additional information, please do not hesitate to contact our office.

Sincerely Yours,

Ashley Cashdollar
Legal Assistant

/amc
Enclosure(s)

cc: Lisa Randolph, *pro se*