

MOSES & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

November 20, 2012

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Woods v. Breakfield, Personal Representative
2010-CP-12-0168
Appellate Case No.: 2011191876
Our File Number - 12085.1

RECEIVED
NOV 21 2012
SC COURT OF APPEALS

Dear Ms. Kitchings:

I represent the Respondent in this appeal. I am writing to call your attention to the fact that Appellant has failed to comply with the requirements of the Appellate Court Rules and with the requirements of your Court's Order dated and filed October 26, 2012. Pursuant to Rule 260(a), SCACR, I am requesting that you, as the Clerk of Court, carry out your duty to issue an order of dismissal. The rule provides that "the clerk shall issue an order of dismissal" when it appears that an appellant has failed to comply with the rules of court.

On August 21, 2012 I filed and served a motion to dismiss the appeal because of numerous deficiencies in the Record on Appeal compiled and served by Appellant. By Order of the Court dated and filed October 26, 2012 the Court denied the motion to dismiss but ordered Appellant to **file and serve** an amended Record on Appeal within twenty days. As of the date of this letter, I have not received an Amended Record on Appeal, notwithstanding that Appellant has filed a proof of service with your office indicating that an amended record was served on me by mail on November 14, 2012.

This is another example of the Appellant's repeated failures to comply with the rules of court, and when I have objected and moved for dismissals, the court has denied the motions to dismiss and excused the Appellant's deficient filings and ordered Appellant to fix things. See appellate cases 2011-201066, 2012-212429, and an earlier motion to dismiss in the above-references case. A motion to dismiss appeal is being filed and served today in appellate case no. 2011-191876 for a repeat deficiency in Appellant's initial brief. At some point, the Appellant must be held accountable for his repetitious, non-complying filings. He is delaying the appeals and costing my clients time and money in having to constantly move the court to force Appellant's compliance with the rules.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Michael Brackett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

B. Michael Brackett

BMB/bmb

cc: Robert H. Breakfield, Esquire
Mell Woods, pro se