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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2015-002637

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

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SC Court of Appeals

MOTION TO DISMISS OR FOR OTHER RELIEF ON THE
RECORD OF APPEAL BY RESPONDENT

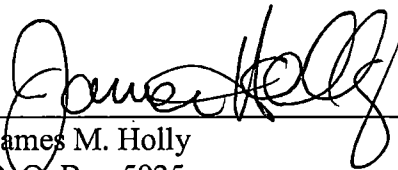
Brett Gries, Pro Se
680 Implement Road
Aiken, SC 29803
(815)-342-2628
Appellant

James M. Holly
SC Bar No. 02572
P. O. Box 5925
Aiken, SC 29804
(803)-221-4276
Attorney for Respondent

Respondent, Aiken County Tax Assessor, through its counsel of record, respectfully moves this Court for an Order dismissing this appeal on the grounds that the Record on Appeal ("Record") prepared and filed by Appellant on or about May 22, 2017, violates Rules 210(c), (d), (e), SCACR. In addition to the deficiencies in the Record listed in the letter from the Clerk to Appellant dated May 25, 2017, Appellant also failed to include items listed in Respondent's Designation of Mater clearly required by Rule 210(c). Those omitted items include the Final Order, The Honorable S. Phillip Lenski, Administrative Law Judge, dated December 4, 2015; the decision of the Aiken County Board of Assessment Appeals, dated January 29, 2015; and all of Respondent's designated excerpts from the Transcript of Hearing held May 26, 2015. Appellant has repeatedly failed to follow the SCACR and Orders of this Court since the appeal was filed on December 29, 2015.

Based on the foregoing, Respondent respectfully moves in the alternative that the Court issue such other relief against Appellant as it determines is proper, including requiring Appellant to include in the Record all of the items listed in Respondent's Designation of Matter and awarding Respondent his attorneys' fees and costs incurred in making this Motion.

This motion is made pursuant to Rules 210, 260(a) and 269, SCACR, and is supported by the Memorandum filed herewith.



James M. Holly
P. O. Box 5925
Aiken, SC 29804
(803)-221-4276
SC Bar No. 0002572
Attorney for Respondent

May 30, 2017

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2015-002637

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS OR FOR OTHER
RELIEF ON THE RECORD OF APPEAL BY RESPONDENT

Brett Gries, Pro Se
680 Implement Road
Aiken, SC 29803
(815)-342-2628
Appellant

James M. Holly
SC Bar No. 02572
P. O. Box 5925
Aiken, SC 29804
(803)-221-4276
Attorney for Respondent

Respondent respectfully submits the legal authorities, facts and arguments set forth hereinafter in support of its Motion to Dismiss or for Other Relief on the Record on Appeal. Respondent also incorporates by reference herein the records and documents on this appeal that are on file with the court.

This appeal was filed on December 29, 2015. Appellant has repeatedly violated the SCACRs and the Orders of this Court issued to correct some of those violations. We are on Appellant's Fourth Amended Initial Brief. Those violations also resulted in respondent having to file a number of motions and incur substantial additional costs, have significantly delayed the resolution of the appeal, and have caused the Court substantial additional work.

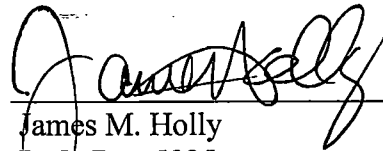
Appellant filed a so-called Record on Appeal ("Record") on or about May 22, 2017. By a letter dated May 25, 2017, the Clerk listed various deficiencies in the Record and directed Appellant to correct those deficiencies. By a letter to the Clerk dated May 26, 2017 (copy attached as Exhibit A), Respondent's counsel advised the Court that the Record also failed to include matters listed in Respondent's Designation of Matter (copy attached as Exhibit B). Those omitted items include at least the Final Order, The Honorable S. Phillip Lenski, Administrative Law Judge, dated December 4, 2015; the Decision of the Aiken County Board of Assessment Appeals, dated January 29, 2015; and all of Respondent's designated excerpts from the Transcript of Hearing held May 26, 2015.

Rule 210(c), SCACR clearly states: "The Record on Appeal shall include all matter designated to be included by any party under Rule 209...." Either Appellant did not read Rule 210 or was cavalier in preparing the Record as has been his consistent approach throughout this appeal.

Pro se litigants who chose to represent themselves must comply with the procedural requirements of the law. Lack of familiarity with legal proceedings is not an excuse to allow lesser standards to be applied to them than would be applied to an attorney. State v. Policao, 402 S.C. 547, 558, 741 S.E.2d 774, 779-780 (Ct. App. 2013); State v. Burton, 356 S.C. 259, 265, n.5, 589 S.E.2d 6, 9 n.5 (2003); Goodson v. American Bankers Ins. Co., 295 S.C. 400, 403, 369 S.E.2d 687, 689 (Ct. App. 1988).

CONCLUSION

Appellant has repeatedly violated the applicable rules and orders of this Court. Based on the foregoing, Respondent respectfully moves the Court to dismiss this appeal or order Appellant to file and serve a corrected Record on Appeal including all matters listed in Respondent's Designation of Mater as required by Rule 210, SCACR, and further order Appellant to pay Respondent the costs and fees incurred in making this motion.



James M. Holly
P. O. Box 5925
Aiken, SC 29804
(803)-221-4276
SC Bar No. 0002572
Attorney for Respondent

May 30, 2017



EXHIBIT A

Aiken County
County Attorney

Remembering the Past, Preparing for the Future

James M. Holly
County Attorney

May 26, 2017

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

RE: Brett Gries vs. Aiken County Assessor
SC Court of Appeals: Appellate Case No. 2015-002637

Dear Clerk Kitchings:

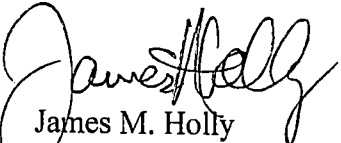
I am in receipt of your letter of May 25, 2017, advising Mr. Brett Gries, Appellant, of certain deficiencies in the Record on Appeal.

Please be advised that the Record on Appeal received by me omits and fails to contain most of the matters designated in the Respondent's Designation of Matter (copy attached), including, but not limited to, the Final Order of the South Carolina Administrative Law Court, the Stipulation dated May 26, 2015, and the excerpts from the transcript of the hearing before the Administrative Law Court.

I thought it best to advise you of these additional deficiencies as soon as possible due to the status of the appeal.

The requirements of Rule 210, Record on Appeal, SCACR, are clear and have not been followed by Appellant. His failure to follow the SCACR has again delayed this appeal.

Yours very truly,


James M. Holly
Attorney for Respondent

JMH/jh

cc: Mr. Brett Gries, Appellant Pro Se

EXHIBIT B

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM STATE OF SOUTH CAROLINA
Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2015-002637

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SC Court of Appeals

Brett GriesAppellant,

v.

Aiken County AssessorRespondent.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent proposes the following be added to the Record on Appeal:

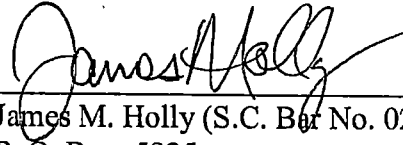
1. Final Order, The Honorable S. Phillip Lenski, Administrative Law Judge, dated December 4, 2015.
2. Decision of Aiken County Board of Assessment Appeals, dated January 29, 2015.
3. Stipulation dated May 26, 2015.
4. Transcript of Hearing held May 26, 2015:
 - Pages 4-5
 - Pages 48 to 52
 - Pages 54 to 55
 - Page 60
 - Pages 66 to 95
 - Pages 100 to 102
 - Page 104
 - Page 106
 - Pages 128 to 132
 - Pages 138 to 141
 - Pages 144 to 152
 - Pages 156 to 159

Pages 162 to 165
Pages 168 to 170
Pages 172 to 174
Pages 179 to 184
Pages 191 to 193
Pages 194 to 195
Pages 198 to 199
Pages 200 to 202
Page 210
Page 225

5. Exhibit 1
6. Exhibit 3
7. Exhibit 4
8. Exhibit 5
9. Exhibit 6
10. Exhibit 7
11. Exhibit 8
12. Exhibit 9
13. Exhibit 10
14. Exhibit 11
15. Exhibit 12
16. Exhibit 13
17. Exhibit 14
18. Exhibit 16
19. Exhibit 17
20. Exhibit 23
21. Exhibit 29
22. Exhibit F, pages 1-4, 680 Implement, only

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,



James M. Holly (S.C. Bar No. 02572)

P. O. Box 5925

Aiken, SC 29804

(803) 642-3628

jholly@aikencountysc.gov

Attorney for Respondent

Aiken, South Carolina
April 10, 2017

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 15-ALJ-17-0050-CC

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SC Court of Appeals

Brett Gries, Appellant,

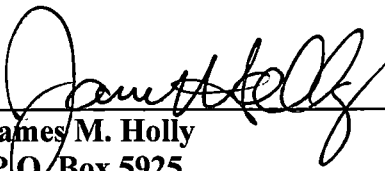
v.

Aiken County Assessor, Respondent.

CERTIFICATE OF SERVICE

I certify that I served the Motion to Dismiss or for Other Relief on the Record on Appeal, together with the Memorandum in Support by depositing a copy of thereof in the United States Mail, postage prepaid, on May 30, 2017, addressed to Appellant Brett Gries, 680 Implement Road, Aiken, SC 29803.

May 30, 2017


James M. Holly
P.O. Box 5925
Aiken, SC 29804
(803)-221-4276
SC Bar No.0002572
Attorney for Respondent



Aiken County
County Attorney

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May 30, 2017

The Honorable Jenny Abbott Kitchings
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RE: Brett Gries vs. Aiken County Assessor
SC Court of Appeals: Appellate Case No. 2015-002637

Dear Clerk Kitchings:

Please find enclosed for filing one original and six copies of the Respondent's Motion to Dismiss or for Other Relief on the Record on Appeal, together with a supporting Memorandum and one copy of the Certificate of Service on Appellant. Also enclosed is a check for the filing fee.

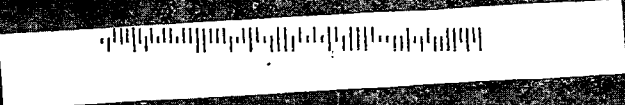
Thank you for your assistance.


Yours very truly,

A handwritten signature in black ink, appearing to read "James M. Holly".


James M. Holly
Attorney for Respondent

cc: Mr. Brett Gries, Appellant Pro Se



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 05/30/2017
US POSTAGE \$006.65
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 SC Court of Appeals

 AIKEN COUNTY ATTORNEY
 1930 UNIVERSITY PARKWAY
 SUITE 3600
 AIKEN, SC 29801

**THE HONORABLE JENNY ABBOTT KITCHINGS
 CLERK
 SOUTH CAROLINA COURT OF APPEALS
 P. O. BOX 11629
 COLUMBIA, SC 29211**