

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

TANYA GEE, CIRCUIT COURT JUDGE

Case No. 2014-CP-40-6228

JOSEPH C. RIVETT.,

Respondent,

v.

CELADON TRUCKING  
SERVICES, INC. AND  
BRUCE LUDLUM,

Appellants.

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JUL 11 2017

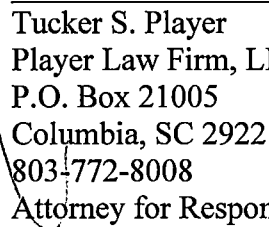
**SC Court of Appeals**

**MOTION TO DISMISS**

Respondent moves this Court to dismiss the appeal for failure to timely file any initial brief, pursuant to Rule 260, SCACR. This Court held this appeal in abeyance for 90 days, beginning on March 24, 2017, to allow Appellant to arrange for the lower court to hear a Rule 60, SCRCR motion. That abeyance expired on June 22, 2017. Prior to filing the motion for leave, Appellant had requested and received two 30 day extensions to file its initial brief, extending the deadline for the initial brief until January 13, 2017. Appellant filed that motion for leave on January 6, 2017, 7 days before the initial brief was due. Therefore, Appellant had 7 days after June 22, 2017 to file its initial brief in this appeal, which was June 29, 2017. That deadline has passed and no briefs were filed. No extension of the 90 day abeyance was

requested and Appellant is out of time. Therefore, the appeal should be dismissed pursuant to Appellate court rules.

July 10, 2017



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803-772-8008  
Attorney for Respondent

Other Counsel of Record:  
Mark Barrow  
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SC Court of Appeals

PROOF OF SERVICE

I, Elvy Diaz, Legal Secretary, hereby certify that I have served a copy of Respondent's Motion to Dismiss via U.S. Mail, with sufficient postage attached, addressed to their attorney of record at the following address:

Mark Barrow  
Sweeny, Wingate & Barrow  
P.O. Box 12129  
Columbia, SC 29221

  
Elvy Diaz

July 10, 2017  
Columbia, South Carolina



**PLAYER**  
PLAYER LAW FIRM, LLC

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SC Court of Appeals

South Carolina Court of Appeals  
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Columbia, SC 29201

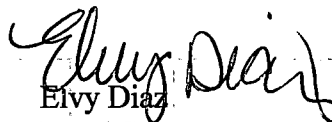
**RE: Joseph C. Rivett v. Celadon Trucking Services, Inc. and Bruce Ludlum  
Case No.: 2014-CP-40-6228**

To whom it may concern:

Please find enclosed an original and seven copies of the Respondent's Motion to Dismiss to be filed in the above referenced matter. I have also enclosed our firm's check in the amount of \$25.00 for the filing fee. Please return a clocked copy to me in the envelope I have enclosed. If you need anything else, please let me know. Thank you for your assistance with this matter.

By copy of this letter, I am serving opposing counsel with a copy of the same.

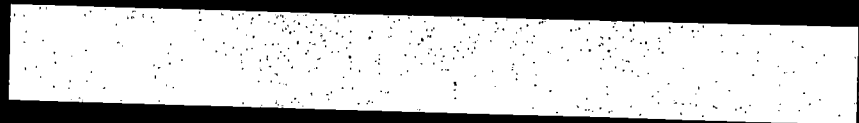
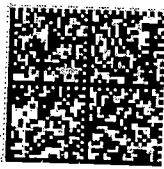
Kind regards,

  
Elvy Diaz  
Legal Secretary

Enclosure(s) as stated

Cc: Mark Barrow, Esq. (w/enclosure)

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