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JUL 13 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
In the Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Case No. 2016-CP-23-02113

Appellate Case No. 2017-001147

Aminah A. Richburg,.....Appellant,

v.

E.A. "Rico" Williams, Director, District One S.C. Basketball Officials Association  
and the South Carolina High School League, .....Respondents.

RESPONDENTS' JOINT MOTION TO DISMISS

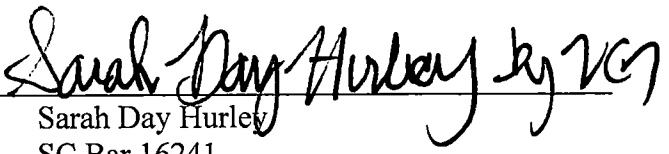
Pursuant to Rule 240, SCACR, the Respondents jointly seek an order dismissing this appeal. Rule 203(b) of the South Carolina Appellate Court Rules requires that a party seeking to appeal an order must serve a copy of the Notice of Appeal within 30 days of the party's receipt of such order or judgment. This is a strict jurisdictional requirement; an appellate court does not have authority to extend or expand the time in which the notice must be served. Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."); *Sadisco of Greenville, Inc. v. Greenville Board of Zoning Appeals*, 340 S.C. 57, 530 S.E. 2d 383 (2000); *Mears v. Mears*, 287 S.C. 168, 337 S.E. 2d 206 (1985).

In the case *sub judice*, Appellant Aminah Richburg has failed to serve a copy of the Notice of Appeal on the Respondents. At best, Appellant served, on June 12, 2017, a copy of the “*Brief of Appellant and Proof of Service of a Notice of Motion Asking the Appellate Court to Allow Transcript To Be Ordered Out of Time along with a letter ordering Transcript From Court Reporter.*” Even if such documents could liberally be construed to constitute sufficient notice, such notice was not timely. By her own admission, Appellant received written notice of entry of the judgment on April 24, 2017 (*see* Appellant’s Designation of Matter to be included in the Record of Appeal). Because Appellant was required to serve a copy of her Notice of Appeal on or before May 24, 2017, her appeal is not timely and this Court lacks jurisdiction to hear this matter. *See* Rule 260(a), SCACR (“Whenever it appears an appellant or a petitioner has failed to comply with these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.”).

For at least the reasons set forth above, Respondents move to dismiss the appeal.

Respectfully submitted,

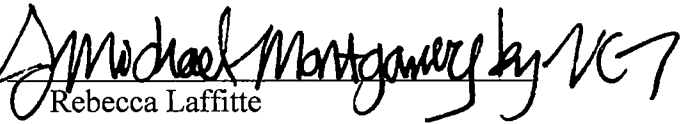
TURNER PADGET

By:   
Sarah Day Hurley  
SC Bar 16241  
Post Office Box 1509  
Greenville, SC 29602  
Telephone: (864) 552-4651  
Email: [shurley@turnerpadget.com](mailto:shurley@turnerpadget.com)

Attorneys for Respondent E.A. “Rico” Williams

July 13, 2017

SOWELL GRAY ROBINSON STEPP &  
LAFFITTE, L.L.C.

By:  VC-7

Rebecca Laffitte  
SC Bar 3105  
rlaffitte@sowellgray.com  
J. Michael Montgomery  
SC Bar 74930  
mmontgomery@sowellgray.com  
Vordman Carlisle Traywick, III  
SC Bar 102123  
ltraywick@sowellgray.com  
1310 Gadsden Street  
Post Office Box 11449  
Columbia, South Carolina 29211  
(803) 929-1400

Attorneys for Defendant, South Carolina High  
School League

Columbia, South Carolina

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Aminah A. Richburg . . . . . Appellant,

v.

E.A. "Rico" Williams, Director, District One S.C. Basketball Officials  
Associations and the South Carolina High School League. . . . . Respondents.

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**CERTIFICATE OF SERVICE**

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I, the undersigned legal assistant of the law offices of Sowell Gray Robinson Stepp & Laffitte, L.L.C., attorneys for Defendant, South Carolina High School League, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

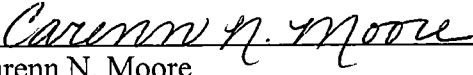
**Pleadings:**

Respondents' Joint Motion to Dismiss

**Counsel Served:**

Ms. Aminah A. Richburg  
217 Plum Creek Lane  
Greenville, South Carolina 29607

Sarah Day Hurley, Esquire  
Turner Padgett Graham & Laney, P.A.  
Post Office Box 1509  
Greenville, South Carolina 29602

  
Carenn N. Moore  
Legal Assistant

Columbia, South Carolina

July 13, 2017.



**SOWELL GRAY  
ROBINSON**

Litigation + Business

MICHAEL MONTGOMERY

DIRECT 803 231.7833 DIRECT FAX 803 231.7890

mmontgomery@sowellgray.com

July 13, 2017

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RE: Aminah A. Richburg v. E.A. "Rico" Williams, Director, District One S.C. Basketball Officials Association, and the South Carolina High School League  
Civil Action No.: 2016-CP-23-02113  
Appellate Case No.: 2017-001147  
Date of Loss: 2/2/16  
IRF Claim No.: 74430  
Our File No.: 5346/1536

Dear Ms. Kitchings:

Enclosed herewith for filing please find the original and seven (7) copies of the Respondents' Joint Motion to Dismiss in the above-referenced matter. We would ask that you file the original and return a clocked-in copy of same to us. Also enclosed please find our Firm's check in the amount of \$25 representative of the filing fee for Motions.

By copy of this letter to Ms. Aminah A. Richburg and Sarah Day Hurley, Esquire, we are herewith serving a copy of same upon each of them.

With warmest regards, I remain

Very truly yours,

  
J. Michael Montgomery

JMM:cnm

Enclosures

cc: Ms. Aminah A. Richburg  
Sarah Day Hurley, Esquire