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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM YORK COUNTY

In the Court of Common Pleas

Sixteenth Judicial Circuit

S. Jackson Kimball, Special Circuit Court Judge

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SEP 20 2017

SC Court of Appeals

Docket No. 2015-CP-46-3011
Appellate Case No. 2017-000835

Therese Emry, as Representative of Dakine Elite Automobiles, Respondent,

v.

Andrew Michael Carpenter, Appellant.

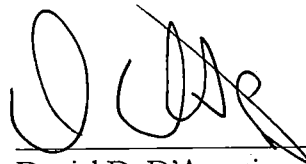
MOTION TO DISMISS

The Respondent moves for the Court to dismiss the appeal in this matter. First, the Appellant has not ordered a copy of the transcript and has not followed the South Carolina Appellate Court Rules 207, 208 and 209. The Appellant has not filed a brief nor has the Appellant filed a designation of matters to be included in the record on appeal.

In addition, the Appellant's appeal is interlocutory and should be dismissed for this reason as well. The Appellant is attempting to appeal the Master's order which is not the final order in this matter. Pursuant to South Carolina Appellate Court Rule 201, an appeal may be taken from a final order. The parties were scheduled to have a trial in the case and the Appellant's appeal caused the trial to be delayed. The Master in Equity's decision is an interlocutory order. For the above reasons, the Respondent requests the Court to dismiss the appeal and issue a remittitur so that the trial can proceed to trial.

Respectfully submitted.

September 13, 2017



Daniel D. D'Agostino
D'Agostino Law Firm
25 W. Liberty St.
York, South Carolina 29745
(803) 628-6509
Attorney for Respondent

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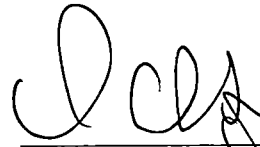
v.

Andrew Michael Carpenter, Appellant.

PROOF OF SERVICE

I, Daniel D. D'Agostino, do hereby certify that on the 14 day of September, 2017, I served the foregoing **MOTION TO DISMISS** on the following, by depositing copies thereof in the U.S. Mail, postage-paid, in an envelope securely sealed, and addressed to the following:

Andrew Michael Carpenter
915 Majestic Circle
Fort Mill, SC 29715



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Attorney for Respondent



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September 13, 2017

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

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SC Court of Appeals

RE: Therese Emry, as Representative of Dakine Elite Automobiles v. Andrew Michael Carpenter
Appellate Case No.: 2017-000835

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of the Respondent's Motion to Dismiss along with a Proof of Service for the same. I also enclose a check for the motion fee of \$25.00.

Please return the filed copies to me in the enclosed self addressed envelope.

With kind regards, I am

Sincerely yours,

Daniel D. D'Agostino
25 W. Liberty St.
York, SC 29745
803-628-6509
Attorney for Respondent

cc: Andrew Michael Carpenter



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