

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS
THE HONORABLE BENJAMIN H. CULBERTSON
CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2017-001381
CIVIL ACTION NO. 2017-CP-26-0489

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SEP 21 2017

SC Court of Appeals

Richard B. Lamb,

APPELLANT,

versus

State of South Carolina DMV,
Office of General Counsel,

RESPONDENT.

**RESPONDENT'S RETURN TO APPELLANT'S MOTION TO VACATE LOWER
COURT JUDGMENT AND MOTION TO GRANT APPELLANT SUMMARY
JUDGMENT ORIGINAL RELIEF DEMANDED**

Appellant Richard B. Lamb has filed a motion with this Court titled "Motion to Vacate Lower Court Judgment and Motion to Grant Appellant Summary Judgment Original Relief Demanded." Respondent State of South Carolina DMV, Office of General Counsel objects to this motion because there is no procedure under the South Carolina Appellate Court Rules permitting such a motion by Appellant.

On May 23, 2017, the Trial Court granted summary judgment to Respondent on Appellant's claims because of the expiration of the applicable statute of limitations.

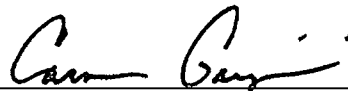
Appellant has appealed that order. The parties have ordered and are currently waiting for delivery of the hearing transcript. After the transcript is received, Appellant can then file his Initial Appellant's Brief pursuant to Rule 208, SCACR to argue for reversal of the Trial Court's order.

Appellant's motion requesting this Court to vacate the judgment of the Trial Court and to grant Appellant's motion for summary judgment is therefore improper because it is an attempt to bypass the briefing process set forth by the Appellate Court Rules.

Further, to the extent Appellant attempts to introduce new material not considered by the Trial Court, the motion should be denied.

For the reasons set forth herein, Respondent State of South Carolina DMV, Office of General Counsel respectfully requests that this Court deny Appellant's Motion to Vacate Lower Court Judgment and Motion to Grant Appellant Summary Judgment Original Relief Demanded.

Respectfully submitted,



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**ATTORNEYS FOR RESPONDENT
STATE OF SOUTH CAROLINA DMV,
OFFICE OF GENERAL COUNSEL**

September 20, 2017.

CERTIFICATE OF SERVICE

I, the undersigned, attorney for Respondent State of South Carolina DMV, Office of General Counsel, do hereby certify that I have this date served the foregoing Return to Motion to Vacate Lower Court Judgment and Motion to Grant Appellant Summary Judgment Original Relief Demanded, dated September 20, 2017, by causing the same to be deposited in a United States Postal Service mailbox, postage prepaid, addressed to counsel of record as indicated below:

Richard B. Lamb
9541 Maison Court
Myrtle Beach, SC 29572
Appellant *Pro Se*



Carmen V. Ganjehsani
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**ATTORNEYS FOR RESPONDENT
STATE OF SOUTH CAROLINA DMV,
OFFICE OF GENERAL COUNSEL**

Dated: September 20, 2017.

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Reply to: **Carmen V. Ganjehsani**
Direct Dial: 803-253-8692
cganjehsani@richardsonplowden.com

September 20, 2017

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

Re: *Richard B. Lamb v. State of South Carolina DMV, Office of General Counsel*
Appellate Case No. 2017-001381
RPR File No.: 181-891

Dear Ms. Kitchings:

I am enclosing for filing the original and six copies of the Respondent's Return to Appellant's Motion to Vacate Lower Court Judgment and Motion to Grant Appellant Summary Judgment Original Relief Demanded in the above referenced matter, along with our Certificate of Service.

By copy of this letter, I am serving a copy of this Return on Appellant *pro se*.

Sincerely,



Carmen V. Ganjehsani

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SC Court of Appeals

CVG

Enc.

cc: Richard B. Lamb (enc.)
Douglas C. Baxter (FYI)

Master

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RICHARDSON
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