

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY
L. Casey Manning, Circuit Court Judge

OCT 11 2017

SC Court of Appeals

Case No. 2016-CP-40-05336
Appellate Case No. 2017-001130

Tom Efland,Appellant,

v.

Randy L. Mills and Richland County, Respondents.

**REPLY TO RESPONSE:
SECOND MOTION TO DISMISS APPEAL**

Respondent Randy L. Mills (hereafter "Mills") replies to the Response to the Second Motion to Dismiss appeal as follows:

1. According to Appellant's Response, Mr. Bradley (who is currently assisting Mr. Moore in prosecuting this appeal) was not involved in this case until after this Court denied Mills' first Motion to Dismiss. That denial was issued on August 2, 2017.
2. According to information accessed online, Mr. Bradley was married on September 2, 2017. That is consistent with his having written the letter to this Court on August 30, 2017 in which he confirmed receipt of the transcript on August 24, 2017.
3. If the transcript was received by Mr. Bradley's office on August 24, 2017, as indicated by his letter to this Court, he had more than one week before he left for his wedding

and subsequent vacation to calendar the due date for the initial brief and designations.

The case was already assigned to him.

4. Following the “approximately two-week” vacation following his wedding, Mr. Bradley would have returned to the office on approximately September 18, 2017. The initial brief and designations were due on or before September 25, 2017.
5. At no time has Appellant’s primary attorney, S. Jahue Moore, corresponded with this Court since filing the Notice of Appeal, nor has his availability for work on this appeal been noted or excused. The record appears to support an inference that Mr. Moore delegated the handling of this appeal to Mr. Bradley and divested himself of responsibility or oversight for it.
6. While it is tremendously generous of Mr. Bradley to fall on his sword for Appellant, Mr. Moore’s neglect of this underlying case since 2005, and at all times since the Notice of Appeal was filed on May 18, 2017,¹ is egregious and has not been explained in any way.
7. Mills again respectfully asserts that Appellant’s counsel has been given more than enough opportunities to get it right, has not done so, and that Mills’ Second Motion for Dismissal supports dismissal of the appeal for this, latest missed deadline.

Wherefore, it is respectfully submitted that the appeal should be dismissed.

[Signature next page]

¹ The letter from Appellant’s counsel dated May 17, 2017 which was copied to this Court as required by Rule 207(a)(1), SCACR, bears a different signature for Mr. Moore than does the notice of appeal.

Desa Ballard

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ATTORNEYS FOR RESPONDENT MILLS

October 10, 2017

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CERTIFICATE OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on October 10, 2017, I served a copy of the **Reply to Response: Second Motion to Dismiss Appeal**, in the above-captioned case on the following individuals by U.S. Mail, with sufficient first-class postage affixed, and addressed as follows:

**S. Jahue Moore, Sr., Esquire
John C. Bradley, Jr., Esquire
Moore Taylor
Post Office Box 5709
West Columbia, South Carolina 29171**

**Mitchell Willoughby, Esquire
Willoughby & Hofer, P.A.
Post Office Box 8416
Columbia, South Carolina 29202**


Beth Cogan, Paralegal

October 10, 2017



Ballard & Watson
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PERSISTENT. UNWAVERING.

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October 10, 2017

Via U.S. Mail

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: *Tom Efland v. Randy L. Mills and Richland County*
Appellate Case No.: 2017-001130

Dear Ms. Kitchings:

Enclosed for filing with your office is an original and seven copies of the **Reply to Response: Second Motion to Dismiss Appeal** for the above-referenced matter. Please have your office file the original and return the filed copy via our self-addressed stamped envelope that is provided. If you have any questions please do not hesitate to call.

With warm personal regards, I am,

Sincerely yours,

Beth Cogan, Paralegal
beth@desaballard.com

cc: Via U.S. Mail
S. Jahue Moore, Sr., Esquire
John Bradley, Jr., Esquire
Mitchell Willoughby, Esquire
Randy L. Mills (via email)

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Law Offices of Desa Ballard

226 State Street
West Columbia, SC 29169

To:
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South Carolina Court of Appeals
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Columbia, South Carolina 29211

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