

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Terry A. Finger, Special Referee

Appellate Case No. 2017-001680

RECEIVED
DEC 08 2017
SC Court of Appeals

William M. Rhett, Nancy R.
Rhett, and William M. Rhett
III,

Appellants,

v.

Jonathan H. Gray,

Respondent.

MOTION TO DISMISS APPEAL

Respondent Jonathan Gray moves to dismiss this appeal under Rule 260(a), SCACR. Appellants have failed to follow this Court's rules, heed its warning, or prosecute their appeal.

Appellants initiated their appeal on August 3, 2017. Appellants' counsel received a copy of the transcript on September 5, making Appellants' initial brief and designation of matter due October 5. *See* Rule 208(a)(1), SCACR. Appellants later asked for, and received, a thirty-day extension to file and serve those documents.¹ Appellants missed that deadline; to date, they have not filed or served anything else.

On November 14, the Court sent Appellants' counsel a letter noting the missed deadline and

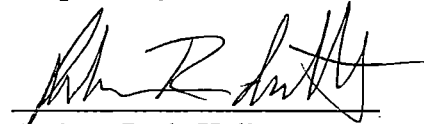
1. The Court extended the deadline to November 5, the date Appellants requested. However, November 5 was a Sunday, so Appellants' initial brief and designation of matter were actually due November 6. *See* Rule 263(a), SCACR.

stating that, within ten days, counsel needed to file and serve the initial brief, the designation of matter, and a motion requesting the Court's permission to file and serve those documents late; otherwise, the Court warned, it would dismiss the appeal. That deadline passed over a week ago. Despite the Court's warning, Appellants have still not filed or served anything else.

Rule 260(a) requires the Clerk to dismiss an appeal whenever an appellant has not complied with the Appellate Court Rules. Here, Appellants have failed to comply with Rules 208(a)(1) and 209(a). They have also failed to respond to the Court's November 14 invitation for a chance to rescue their appeal. This appeal must be dismissed.

This 6th day of December, 2017

Respectfully submitted,



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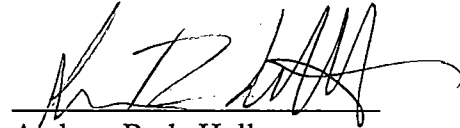
Jonathan H. Gray,

Respondent.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the *Motion to Dismiss Appeal* has been served upon the following counsel of record by mailing one copy by United States Mail, addressed as shown below, this 6th day of December 2017:

H. Fred Kuhn, Jr.
MOSS, KUHN & FLEMING, P.A.
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Beaufort, SC 29902


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December 6, 2017

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SC Court of Appeals

VIA U.S. MAIL

The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: William M. Rhett, Nancy R. Rhett, and William M. Rhett, III v.
Jonathan H. Gray
Appellate Case No.: 2017-001680
ELG File No.: 314-00168

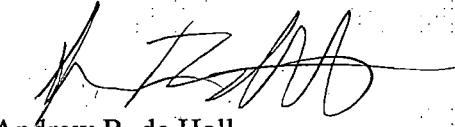
Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of Respondent's Motion to Dismiss Appeal in the above-referenced case. I am also enclosing the original certificate of service and a \$25.00 check for the motion fee.

By copy of this letter, I am serving Appellants' counsel with a copy of the motion.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Sincerely,

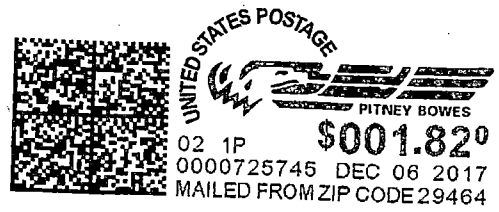
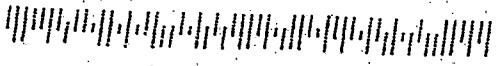


Andrew R. de Holl

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Enclosures

Cc: H. Fred Kuhn, Jr., Esquire
James J. Wegmann, Esquire



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**The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals
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