

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

RECEIVED

DEC 06 2017

SC Court of Appeals

Case No. 2015-CP-40-4689  
Appellate Case No. 2017-000163

Henry Pressley.....Respondent,

v.

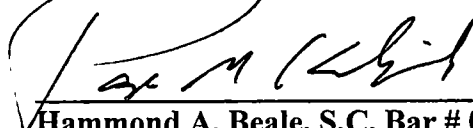
Eric Sanders.....Appellant.

MOTION TO DISMISS

The Respondent Henry Pressley moves to dismiss this appeal pursuant to SCACR 208(a)(4) and 260 on the following grounds. Appellant filed his Notice of Appeal on January 27, 2016 and initially ordered the trial transcript on or before February 1, 2016. However, the court reporter who provided services at trial retired before she transcribed the trial testimony. On October 30, 2017, Respondent gave notice to Appellant via email that an alternate court reporter would provide transcription services. Appellant responded affirmatively via email that he would order the trial transcript. See emails, attached as **Exhibit A**. More than thirty days have passed and Appellant has not ordered the trial transcript or filed his Initial Brief. For the reasons stated herein, Respondent respectfully requests that the Court enter an Order dismissing this Appeal, or, in the alternative, directing Appellant to immediately file his Initial Brief.

(Signature page follows)

**PALMETTO LAW CENTER, P.C.**



**Hammond A. Beale, S.C. Bar # 0599**

**Page M. Kalish, S.C. Bar # 72611**

**PO Box 9526**

**Columbia, SC 29290**

**(803) 783-4570 (p)**

**(803) 776-7862 (f)**

**Attorneys for the Respondent**

December 6, 2017

# Exhibit A

## Page M Kalish

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**From:** Barrett, Thorne <TBarrett@TurnerPadget.com>  
**Sent:** Monday, October 30, 2017 1:06 PM  
**To:** Page M Kalish; Jones III, Richard A. "Trey"  
**Subject:** RE: Pressley v. Sanders.

Yes, we will be sending the check and requesting the transcript.

-----Original Message-----

**From:** Page M Kalish [mailto:pmk@palmettolawcenter.com]  
**Sent:** Monday, October 30, 2017 12:43 PM  
**To:** Jones III, Richard A. "Trey"; Barrett, Thorne  
**Subject:** Pressley v. Sanders.

Thorne and Trey,

Please see attached. I presume that you will take care of ordering the transcript since you represent the Appellant as I have taken care of finding out how you can get it.

Regards,

Page

Fax 803 776 7862

HARRIET P. BENNETT  
Reporter, S. C. Court Administration  
46 Regency Oaks Drive  
Summerville, S.C. 29485

October 30, 2017

Page M. Kalish, Esq.  
Palmetto Law Center  
P. O. Box 9526  
Columbia, S.C. 29290  
IN RE: Henry Pressley v. Eric Sanders  
2015 CP40 4689. (Your file 2015-130\_

Dear Ma. Kalish:

Desiree Allen with Court Administration has forwarded to me your request for a Transcript of Record in the above matter, which was taken by a now retired Reporter in the Court of Common Pleas for Richland County on October 12-13, 2016.

I have reviewed the material and believe that the record will cost approximately the following amount: 350 pages @ \$3.25 per page, or \$1,137.50.

This page rate was set by the South Carolina Supreme Court for your information.

I would ask that if you still desire to have the record prepared that you forward to me a check in the above amount. If the transcript total comes to less, I will refund the balance. If the total cost of the transcript is more, I will bill you for the balance when the record is sent to you.

The transcript will be furnished to you within two weeks from the date of receipt of your check. If you have any questions, please call me at (843) 640 9941.

Very truly yours,

*Harriet Bennett*

copy to Ms. Desiree Allen, Court Admin.

PLEASE LET ME KNOW IF REPORTER HOLMES  
MAY HAVE PREPARED THIS FOR ANOTHER PARTY.  
Thank you.

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Case No. 2015-CP-40-4689  
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Henry Pressley.....Respondent,

v.

Eric Sanders.....Appellant.

PROOF OF SERVICE

The undersigned, an attorney in this matter for the Respondent Henry Pressley, certifies that I have this 6<sup>th</sup> day of December 2017, served a copy of the Motion to Dismiss upon all other counsel of record by email and by causing it to be deposited in the United States mail with sufficient postage attached, addressed to:

R. Hawthorne Barrett, Esq.  
TBarrett@TurnerPadget.com  
Richard A. Jones, III, Esq.  
TJones@TurnerPadget.com  
Turner Padget Graham & Laney, P.A.  
P.O. Box 1473  
Columbia, SC 29202

PALMETTO LAW CENTER, P.C.



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Attorneys for the Respondent

December 6, 2017

# Palmetto Law Center, P.C.

ATTORNEYS AT LAW

Hammond A. Beale, Esq.  
Page M. Kalish, Esq.

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Telephone (803) 783-4570 • Fax (803) 776-7862

December 6, 2017

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

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SC Court of Appeals

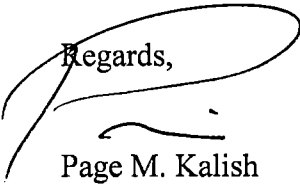
RE: Henry Pressley vs. Eric Sanders  
Case Number- 2015-CP-40-4689  
Appellate Case No. 2017-000163  
Our File No.: 2015-130

Dear Mrs. Kitchings:

Enclosed for filing please find the original and seven (7) copies of Respondent's Motion to Dismiss. I have enclosed a Proof of Service of this document on counsel for Appellant. By copy of this letter I am serving opposing counsel with a copy of the same.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Regards,



Page M. Kalish

Enclosures

cc: R. Hawthorne Barrett, Esq. (with enclosures via email and U.S. Mail)  
Richard A. Jones, III (with enclosures via email and U.S. Mail)  
Henry Pressley