

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Hon. S. Jackson Kimball, III
Special Circuit Court Judge
York County Master in Equity

RECEIVED
APR 02 2018
SC Court of Appeals

Appellant Case No. 2018-000411

Suzette LeFebvre.....Appellant

vs.

Blanco GmbH+CO.KG.....Respondent

APPELLANT'S REPLY TO RESPONDENT'S
MOTION TO DISMISS

The undersigned counsel for the Appellate does hereby respond to the Motion to Dismiss Appeal (hereinafter the Motion) of the Respondent, filed March 20, 2018 as follows:

Counsel for the Appellant timely filed the initial appeal with the South Carolina Court of Appeals. However, due to a change in the Court rules which was not implemented until February 27, 2018, counsel was required to file the Notice of Appeal with the York County Clerk of Court's office via electronic means, not via the US Postal Service, through the Attorney Information System (AIS). This represented a new method of filing civil documents with the York

County Court of Common Pleas, and is reflective of a new method of filing civil court documents in general in certain counties, including York County.

Counsel became aware of the oversight, and set up an account pursuant to the new Court rules on Monday, March 19, 2018, and immediately corrected his oversight. This was fourteen (14) days after the initial filing with the Court of Appeals on March 5, 2018.

On March 20, 2018, Correspondence from the South Carolina Court of Appeals was mailed to Counsel indicating that Counsel should cure the defect “within 10 days of the date of this letter”. (Exhibit A) Counsel had, in fact, already cured the oversight the day before, on March 19, 2018.

Counsel would respectfully point out that the oversight related to sending a copy of the Notice of Appeal to the local Clerk of Court’s office in York County, South Carolina, not to the Court of Appeals. Counsel would allege and assert that his oversight in no way negatively impacts any party to the appeal, nor prejudices any party in any way.

Counsel respectfully requests the Court of Appeals allow his late-filed notice with the local Clerk of Court and for such other and further relief as might be just and proper.

March 28, 2018

Halford Niemiec & Freeman, L.L.P.



P. John Freeman
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Fort Mill, South Carolina 29708
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The South Carolina Court of Appeals

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CLERK

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DEPUTY CLERK

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March 20, 2018

Mr. P. John Freeman, Esquire
238 Rockmont Drive
Fort Mill SC 29708

Re: Suzette LeFebvre v. Blanco GmbH+CO.KG
Appellate Case No. 2018-000411

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- You must provide proof that you have filed the notice of appeal with the lower court clerk of court, as required by Rule 203, SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Robert Alan Bernstein, Esquire



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vs.

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PROOF OF SERVICE

I hereby certify that I am the attorney for the Appellant in the above case and that I did on March 29, 2018 serve a copy of the foregoing APPELLANT'S REPLY TO RESPONDENT'S MOTION TO DISMISS on counsel for the Defendant by depositing a copy of the same in the United States mail, postage prepaid, and addressed as follows:

Robert A. Bernstein, Esquire
Bernstein & Bernstein, P.A.
5418-B Rivers Avenue
Charleston, SC 29413-0519
Attorney for Respondent

Halford Niemiec & Freeman, L.L.P.



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J. Cameron Halford ^
Matthew R. Niemiec
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March 29, 2018

Jenny Abbott Kitchings, Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

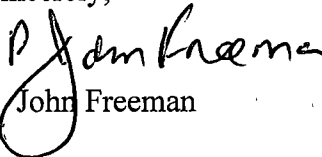
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SC Court of Appeals

Re: Suzette LeFebvre v. Blanco GmbH+CO.KG
Case No.: 2017-CP-46-01149

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Appellant's Reply to Respondent's Motion to Dismiss along with the Proof Service regarding the above-referenced matter. If you have any questions regarding the enclosed or this matter, please do not hesitate to contact my office.

Sincerely,


P. John Freeman

PJF:tml

Enclosures

cc: Ms. Suzette LeFebvre
w/enclosures
Robert A. Bernstein, Esquire
w/enclosures

^ MEDIATOR AND ARBITRATOR

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