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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
Appellate Case No. 2017-002270

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, Special Circuit Court Judge  
Trial Court Case No. 2014-CP-07-00943

Joseph C. Sun,

Appellant,

v.

Bryan Norberg, Angela Tubbs,  
Joseph Babkiewicz, Claudia Hebda,  
Jeffrey Dickson, and Christian Gonzales,

Respondents.

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RESPONDENTS' MOTION TO DISMISS APPELLANT'S APPEAL

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E. Mitchell Griffith  
Hillary G. Meyer  
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600 Monson Street  
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*Counsel for Respondents*

**I. The Appellant served his Record on Appeal and Motion to File Record on Appeal outside of the period specified by the Court; therefore, his Appeal should be dismissed.**


By letter dated June 27, 2018, the Court informed the Appellant that his time for serving the Record on Appeal and for filing proof of service has expired. The Court ordered Appellant to “serve the Record on Appeal and file proof of service, along with a motion requesting permission to serve and file outside of the filing deadline,” or his appeal would be dismissed. (Exhibit A). By order of the Court, Appellant was required to serve his Record on Appeal and his motion to file outside of time by July 7, 2018.

On July 13, 2018, Counsel for Respondents received a copy of Appellant’s motion and his Record on Appeal by United States Postal Service Priority Mail. The envelope containing the documents served upon the Respondents contained a United States postage stamp indicating the date of sale as July 12, 2018. (Exhibit B). Therefore, although the Appellant’s proof of service for his motion and his Record on Appeal indicate that he served counsel for Respondents on July 6, 2018, it would appear that these documents were not served upon counsel for Respondents until six days later, on July 12, 2018.

The Appellant has failed to comply with the plain language of the June 27, 2018 letter issued by the Court; therefore, his Appeal should be dismissed.

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Attorneys for the Respondents

July 23, 2018  
Beaufort, South Carolina

Other Party to Case:

Joseph C. Sun  
PO Box 151  
Bluffton, SC 29910  
Telephone: (843) 226-8788

*Pro Se Appellant*

# **EXHIBIT A**



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## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
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V. CLAIRE ALLEN  
DEPUTY CLERK

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FAX: (803) 734-1839  
www.sccourts.org

June 27, 2018

Joseph C. Sun  
P.O. Box 2543  
Bluffton SC 29910

Re: Joseph Sun v. Bryan Norberg  
Appellate Case No. 2017-002270

Dear Mr. Sun:

Our records reflect that the time for serving the record on appeal and filing a proof of service has expired. Within ten (10) days of the date of this letter you must serve the record on appeal and file a proof of service, along with a motion requesting permission to serve and file outside of the filing deadline set by Rule 210, SCACR, or your appeal will be dismissed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Ernest Mitchell Griffith, Esquire

# **EXHIBIT B**

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From/Expéditeur:  
J.C. Sun  
P.O. Box 2543  
Bluffton, SC 29910

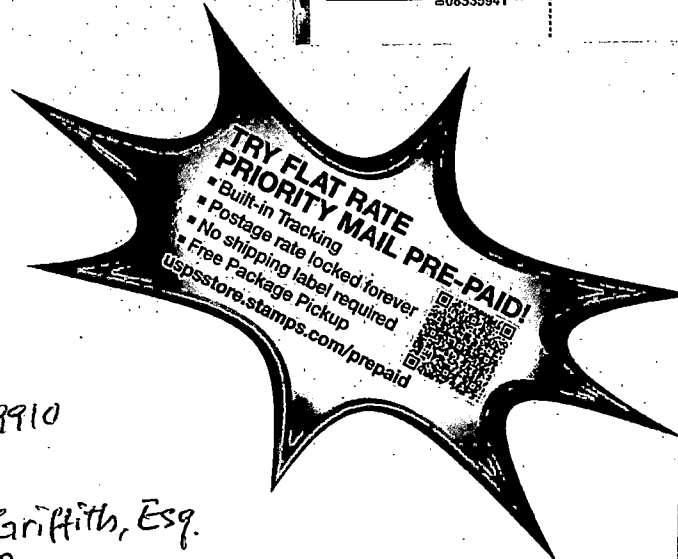
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E. Mitchell Griffith, Esq.  
P.O. Box 570  
Beaufort, SC 29901

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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Marvin H. Dukes III, Special Circuit Court Judge

Civil Action No. 2014-CP-07-00943  
Appellate Case No. 2017-002270

Joseph C. Sun..... Appellant

v.

Bryan Norberg, Angela Tubbs,  
Joseph Babkiewicz, Claudia Hebda,  
Jeffery Dickson, and Christian Gonzales ..... Respondents

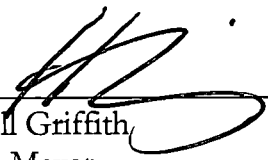
PROOF OF SERVICE

I certify that on July 23, 2018, I served *Respondents' Motion to Dismiss Appellant's Appeal* by depositing it in the United States Mail with postage prepaid and addressed as follows:

Joseph C. Sun  
PO Box 151  
Bluffton, SC 29910

GRIFFITH, FREEMAN & LIIPFERT, LLC

By:

  
\_\_\_\_\_  
E. Mitchell Griffith,  
Hillary G. Meyer  
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Attorneys for the Respondents

July 23, 2018  
Beaufort, South Carolina



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E. MITCHELL GRIFFITH+  
O. EDWORTH LIIPFERT III+  
MICHAEL D. FREEMAN+  
KELLY DENNIS DEAN  
HILLARY G. MEYER

+ certified mediator

July 23, 2018

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RE: Joseph C. Sun v. Bryan Norberg, et al.**  
**Civil Action No: 2014-CP-07-00943**  
**GF&L File No: 1011-080**

Dear Madam Clerk:

Please find enclosed the original and six (6) copies of *Respondents' Motion to Dismiss Appellant's Appeal* in this case, along with the original and one (1) copy of the Certificate of Service. Also enclosed is our \$25 check for the filing fee. Please also find enclosed seven (7) copies of Exhibits A and B in support of the motion. Respondents' original copy of Exhibit B is too large for the Court's filings, pursuant to the South Carolina Appellate Court Rules; therefore, it has not been submitted to the Court. However, Respondents will maintain the original Exhibit B and will supplement the original to the Court upon request.

I would appreciate you filing the original and returning the clocked copy to me in the enclosed envelope.

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

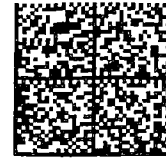
With kindest regards, I remain

Very truly yours,

  
Hillary G. Meyer

HGM/  
Enclosures

FIRST-CLASS



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**GRIFFITH FREEMAN LIIPFERT**  
ATTORNEYS AT LAW

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**RECEIVED**  
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

