

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

Marvin H. Dukes III, Master in Equity & Special Circuit Court Judge

**Appeal Case No. 2017-002270
Circuit Court Case No. 2014-CP-07-00943**

JOSEPH C. SUN Appellant

v.

**TOWN OF BLUFFTON, BLUFFTON
POLICE DEPARTMENT, BRYAN
NORBERG, ANGELA TUBBS,
JOSEPH BABKIEWICZ, CLAUDIA
HEBDA, JEFFERY DICKSON and
CHRISTIAN GONZALES.**

Respondents

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**APPELLANT'S RESPONSE TO RESPONDENTS'
MOTION TO DISMISS APPEAL**

Respondents' Motion to dismiss the appeal should not be granted and this appeal should not be dismissed because the respondents have not cited any authority in support of their argument that the "within ten (10) days of the date of this letter" as required by the court to serve and file the final brief and record of appeal must be ten (10) calendar days on July 7, 2018. Appellant was interpreting the letter from the court as ten (10) business days, not including weekends and holidays - July 4, 2018. The language of the letter from the court does not indicate otherwise.

Appellant is proceeding on this appeal pro se without counsel. He received the letter from the court during the first week in July 2018. He could only do the best he could to prepare the motion to serve and file out of time and make all the copies of Record on Appeal for service and filing, to meet the ten business days deadline. Since Fourth of July was a national holiday and with two weekends, July 12, 2018 was the tenth business day within the time allowed by the court.

Any ambiguity here should be resolved in favor of the Appellant who is seeking to proceed on his appeal. Similarly, in many disputes involving ambiguity in insurance policies, the court always ruled in favor of continuing coverage for the insured. See, *B.L.G. Enterprises v. First Financial Insurance*, 491 S.E.2d 695, 328 S.C. 374 (S.C. App. 1997).

This 6th day of August, 2018

Respectfully submitted,



JOSEPH C. SUN, pro se
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843-226-8788

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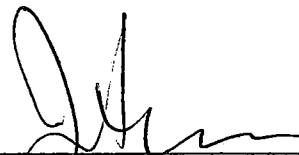
SC Court of Appeals

PROOF OF SERVICE

I certify that I have this date served the Appellant's Response to Respondents' Motion to Dismiss Appeal, on the Respondents by depositing a copy of same in the U.S. Mail postage prepaid, on August 6, 2018 addressed to:

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

This 6th day of August, 2018



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Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

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