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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Michael Nettles, Circuit Court Judge
Trial Court Case No.: 2017CP2307401

Appellate Case No.: 2018-001020

Terry Edward McCall,

Appellant,

vs.

Barnes Towing,

Respondent.

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DEC 03 2018

SC Court of Appeals

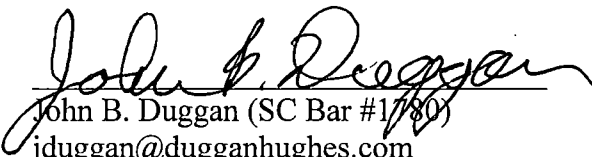
**RESPONDENT'S MOTION TO DISMISS OR IN THE
ALTERNATIVE MOTION TO COMPEL**

Respondent hereby moves the Court for an Order dismissing this appeal because the document submitted by Appellant to the Court which was purported to be the Final Record on Appeal does not comply with the Appellate Rules in that: (1) it fails to include all documents and other matters listed by the parties in their respective designations; (2) does not number the pages; and, (3) fails to provide Respondent with materials which have never been submitted to the Respondent such as the purported recording of the jury trial in Magistrate's Court.

Respondent hereby alternatively moves the Court for an Order Compelling the Appellant to provide Respondent with a properly prepared Final Record on Appeal and also provide Respondent with a copy of all items listed in the Appellant's Designation which have not heretofore been provided to the Respondent, including the purported recording of the jury trial in Magistrate's Court.

Respectfully submitted,

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Attorneys for the Respondent Barnes Towing

November 29, 2018
Greer, South Carolina

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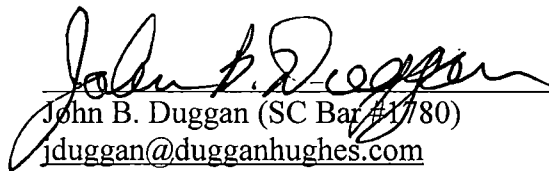
SC Court of Appeals

CERTIFICATE OF SERVICE

I certify that I have served the Respondent's Motion to Dismiss or in the Alternative Motion to Compel upon Terry Edward McCall by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

Terry McCall
Livesay Correctional Institution
Dorm B – Room 13
P.O. Box 580
Una, SC 29378

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Greer, S.C. 29652

November 29, 2018

South Carolina Court of Appeals
Attn: Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: Terry Edward McCall v. Barnes Towing
Appellate Case No.: 2018-001020

Dear Clerk of Court:

I am enclosing the original and one copy of Respondent's Motion to Dismiss or in the alternative Respondent's Motion to Compel, along with a Certificate of Service for same in the above-captioned Appeal. Also enclosed is this firm's check in the amount of \$50.00 for your motion fee. Please file same with the Court and return a clocked copy to me in the self-addressed, postage pre-paid, envelope provided.

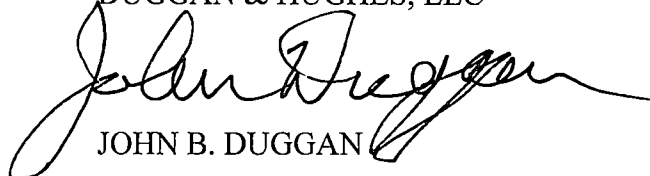
Please be advised that I am faced with the dilemma that I cannot complete Respondent's Brief because the purported Final Record on Appeal submitted by Appellant does not number the pages, does not include the items listed in the designations by the parties, and does not provide me with a copy of the purported recording of the Magistrate Court trial which has not been served upon me.

As a result of the current status, it is not possible for me to complete the Respondent's Final Brief because there is no way to cite to appropriate page numbers in the Final Record on Appeal since page numbers have not been done.

I will await action by the Court and further instructions from your office concerning what I will need to do to submit the Respondent's Final Brief.

Sincerely,

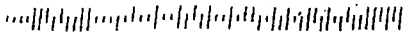
DUGGAN & HUGHES, LLC


JOHN B. DUGGAN

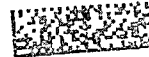
Enclosures: *Motion*
Certificate of Service
Check for Filing Fee

Cc w/enclosures:

Terry McCall
Livesay Correctional Institution
Dorm B – Room 13
P.O. Box 580
Una, SC 29378



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LAW OFFICES
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TO:

South Carolina Court of Appeals
 Attn: Clerk of Court
 1220 Senate Street
 Columbia, South Carolina 29201

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