

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

The Honorable Clifton Newman, Circuit Court Judge

DEC 13 2018

Civil Action No. 2016-CP-40-04139
Appellate Case No. 2018-001924

SC Court of Appeals

Morgan Conley.....Plaintiff/Appellant,

vs.

April Morganson.....Defendant/Respondent.

RESPONDENT'S MEMORANDUM OF LAW

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Other Counsel of Record:

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Attorney for Plaintiff/Appellant

FACTS

The Respondent acknowledges and stipulates to most of the facts set forth in the Petitioner's Memorandum of Law; however, the Petitioner fails to inform this Court that the Honorable Clifton Newman directed counsel for the Respondent to prepare a formal Order granting the Respondent's Motion for a Directed Verdict. Essentially, the Petitioner has filed this appeal prior to an actual formal Order being filed with the Richland County Clerk of Court's office. The trial Judge instructed counsel for the Respondent to prepare such an Order and the Order was submitted to the Court.

The Petitioner takes the position that under the appellate rules, the Petitioner was under a time deadline to file an appeal. The Respondent is of the position that such a time deadline does not begin to run until a formal Order is filed with the Lower Court especially after the trial Judge has directed that such an Order be prepared and filed.

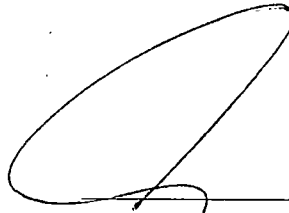
The Respondent certainly believes that the Petitioner has a right to file an appeal. The Directed Verdict issued in this case clearly ends the matter and provides the Petitioner with appellate rights. However, the Petitioner now takes the position that the trial Judge has no authority to sign the very Order it directed to be prepared.

The Appellant has the right to appeal. The Appellant's right to appeal does not begin until the trial Judge issues its Order. As of this moment, no final Order has been issued by Judge Newman although the Order has been presented to the Court as instructed.

Certainly, Judge Newman made his ruling apparent to all parties from the bench; however, he directed that certain formal findings be placed in a written Order. To allow the Petitioner to appeal this matter prior to giving the trial Judge an opportunity to issue a formal final Order would be error. Again, the Respondent fully agrees that his matter is

appealable; however, the Respondent is also of the position that a trial Judge should be provided an opportunity to issue a formal written Order if he or she so chooses.

Respectfully submitted.



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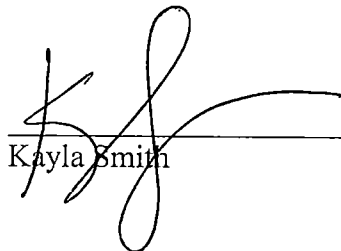
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PROOF OF SERVICE

I, Kayla Smith, an employee of Moore Taylor Law Firm, certify that I have caused Respondent's Memorandum of Law and this Proof of Service, to be served on December 13, 2018, via hand-delivery, as addressed below.

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Kayla Smith

December 13, 2018
West Columbia, SC