

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2019-000030
Case No. 2015-CP-45-00401

RECEIVED
MAY 31 2019
SC Court of Appeals

Shawonder Scott, Appellant,

v.

Curtis McAlister, Acquana McAlister, Norma L. Cyrus, Tax Collector for Williamsburg County, the County of Williamsburg, an Unincorporated Subdivision of the State of South Carolina, Hartwell Pendergrass, Sr., and Hattie S. Pendergrass, Defendants,

Of whom Norma L. Cyrus, Tax Collector for Williamsburg County and the County of Williamsburg, an Unincorporated Subdivision of the State of South Carolina, are the Respondents.

MOTION TO DISMISS APPELLANT'S REPLY BRIEF

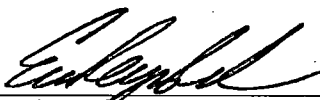
Pursuant to South Carolina Appellate Court Rule 208(a)(3), "An appellant may file and serve a brief in reply to the brief of respondent. If a reply brief is prepared, appellant shall, within ten (10) days after service of respondent's brief, serve one copy of the reply brief on all parties to the appeal and file with the clerk of the appellate court one copy of the reply brief with proof of service." Additionally, Pursuant to South Carolina Appellate Court Rule 262 (a), filing is either accomplished by: (1) delivering the document to the clerk of the appellate court.....or (2) by depositing the document in the U.S. mail, properly addressed to the clerk, with sufficient first class postage attached. The date of filing shall be the date of delivery or the date of mailing. Further, pursuant to South Carolina Appellate Court Rule 262 (b), service by mail is complete upon mailing.

On May 14, 2019, the Respondents placed a copy of their initial brief in the mail, properly addressed to both this Court and to counsel for the Appellant. Therefore, the Appellant had by May 24, 2019, to both serve her reply brief on the Respondents and file same with this Court. However, the Appellant served her reply brief by mail on May 28, 2019, as evidenced by the proof of service

accompanied with her reply brief, the date of the reply brief and the postmark on the envelope containing the reply brief. Thus, and even with consideration of the federal holiday on May 27, 2019, the Appellant still served her reply brief, via U.S. mail, 4 days outside the time allowed to serve her reply brief in accordance to South Carolina Appellate Court Rule 208(a)(3).

Therefore, the Respondents respectfully request this Court dismiss the Appellant's reply brief dated May 28, 2019, as being untimely served and filed in accordance to Rule 208(a)(3) and Rule 262.

May 30, 2019
Kingstree, South Carolina



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ATTORNEYS FOR THE RESPONDENT

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Of whom Norma L. Cyrus, Tax Collector for Williamsburg County and the County of Williamsburg, an Unincorporated Subdivision of the State of South Carolina, are the Respondents.

PROOF OF SERVICE

I certify that I have served the Respondents Motion to Dismiss in the above referenced case, by depositing a copy of it in the United States Mail, postage prepaid, on May 30, 2019, addressed to:

Dwight C. Moore
P.O. box 1229
Sumter, SC 29151 - 1229

May 30, 2019



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Attorneys for the Respondents



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William Evan Reynolds

May 30, 2019

*Certified Family Court Mediator
**Certified Circuit Court Mediator

The Honorable Jenny Abbott Kitchings
Clerk of Court S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Shawonder Scott v. Curtis McAlister, et al.
Appellate Case Number 2019-000030

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Dear Ms. Kitchings:

Please find enclosed the following documents:

- 1) Original and one copy of the Respondents Motion to Dismiss the Appellant's Reply Brief in regards to the above captioned case; and
- 2) Original and one copy of Proof of Service on all parties to the appeal.

Please file the original and mail the stamped copy back to my office using the enclosed self-addressed stamped envelope. By copy of this letter to opposing counsel, I am serving them with a copy of these documents.

We appreciate your continued cooperation.

With warm personal regards, I am

Very truly yours,

Very truly yours,

W. Evan Reynolds
evan@jenkinsonlaw.com

WER/

Enclosures: as stated

Pc: Dwight C. Moore, Esquire



Jenkinson, Jarrett & Kellahan, PA

ATTORNEYS AT LAW

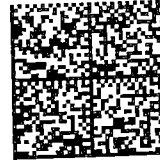
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The Honorable Jenny Abbott Kitchings
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MAY 30 2019

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