

In the State of South Carolina
In the Court of Appeals

Appeal from Richland County
Court of Common Pleas

Honorable James R. Barber, III, Circuit Court Judge

Appellate Case No. 2012-211917
Case No. 2010-CO-40-05896

Stewart Buchanan, Appellant,

v.

Robert Brown, in his individual capacity, [First name unknown] Bowie, in her individual capacity; and David Tatarsky, in his individual capacity. . . Respondents.

Rule 240 Motion for
Sanctions

RECEIVED

JAN 25 2013

SC Court of Appeals

TO: THE RESPONDENTS ABOVE-NAMED.

YOU WILL PLEASE TAKE NOTICE that the undersigned Appellant, Stewart Buchanan, will move before the South Carolina Court of Appeals, located at Columbia, South Carolina, not less than ten (10) days hence, or at such time as may be scheduled by the Court,

for an Order granting sanctions against Respondents due to their failure to comply with the South Carolina Appellate Court Rules (SCACR).

On December 18, 2012 Appellant served upon Respondents and this Court the "Record on Appeal".

Respondent has failed to file a Final Brief. Respondent has failed to comply with the twenty (20) day time limit within which to file. (Rule 221, SCACR)

Appellant directs attention to SCACR which impose the sanction of dismissal of the appeal for Appellant's exceeding time limits for filing. (e.g., Rule 203(D)(3), Rule 208(a)(4).)

Wherefore, Appellant prays that this Court grant the following sanctions against Respondents:

1. Prohibit Respondents from filing a Final Brief;
2. Strike Respondents' Initial Brief from the record; and,
3. Proceed with Summary Judgment based exclusively upon the "Final Brief of Appellant", "Appellant's Reply Brief" and the "Record on Appeal".

Appellant also prays that this Court grant any such and further relief as may be deemed appropriate and just.

Respectfully submitted:

Stewart Buchanan

Stewart Buchanan, #16048, Ro. Se
McCormick CI
386 Redemption Way
McCormick, SC 29884

Dated: January 22, 2013

State of South Carolina
In the Court of Appeals

Appellate Case No. 2012-211917

Stewart Buchanan,
Appellant,
v.
Robert Brown, et al.,
Respondents.

Affidavit of Service

Personally appears Affiant Stewart Buchanan who, first being duly sworn, hereby deposes and says that I placed originals of my "Rule 240 Motion for Sanctions" in sealed envelopes addressed to (1) Samuel F. Arthur, III, Esq. Aiken Bridges, Attorneys At Law, P.O. Drawer 1931, Florence, SC 29503, and (2) Hon. Jenny Abbott Kitching, Clerk, S.C. Court of Appeals, P.O. Box 11629, Columbia, SC 29211, and deposited same in the McCormick CI mail room on this 22nd day of January, 2013,

S/ Stewart Buchanan
Affiant

Sworn to and subscribed before me
this 22 day of Jan, 2013

J. Rankler

Notary Public

My commission expires: 12-16-2019

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JAN 25 2013

SC Court of Appeals

Stewart Buchanan #069848
McCormick CI: F4B-224
386 Redemption Way
McCormick, SC 29849

January 22, 2013

Hon. Jenny Abbott Kitchings, Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Buchanan v. Brown et al.
Appellate Case No. 2012-21117

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JAN 25 2013

SC COURT OF APPEALS

Dear Ms. Kitchings:

Enclosed you will find an original of my "Rule 240 Motion for Sanctions"
for filing in your office.

Per the attached proof of service, Respondents have been served with
same.

Respectfully,
Stewart Buchanan

Attachment

Enclosure

cc: Samuel F. Arthur, III, Esq.
File