

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Case No.: 2018-CP-31-00053
Appellate Case No.: 2019-000131

RECEIVED
NOV 18 2019
SC Court of Appeals

Alan Ratner,

Respondent,

v.

Benita Dinkins-Robinson,

Appellant.

RETURN TO MOTION TO REOPEN AN APPEAL

YOU WILL PLEASE TAKE NOTICE that on November 6, 2019, the undersigned was served by hand delivery a document entitled "Motion for Reconsider and Reopening of Case."

First, the motion was not served within 15 days of the order dismissing this matter and therefore a motion for reinstatement of the appeal is not timely. The motion itself alleges that it was served by some unknown means on October 25, 2019. This alleged service was never performed or never accomplished. Only after the Court called attention to the defect did the Appellant serve the undersigned. Therefore, the first alleged service is at best a false statement which should not be overlooked by this Court and the actual service was not timely.

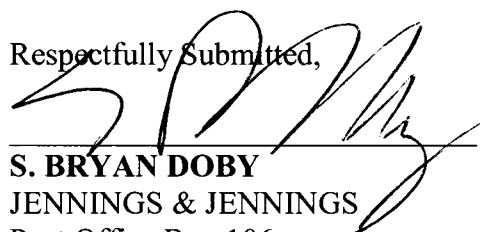
Second, the motion alleges that the Appellant, Benita Dinkins-Robinson/Project Reach, requested a transcript in a letter dated September 5, 2019. The court reporter promptly replied indicating the cost for ordering the transcript. The Appellant has not provided proof that she in fact ordered the transcript by the payment of the required sums and did not provide the Court, nor the respondent with any documentation indicating that she had requested a transcript. The

first indication that a transcript had been ordered was this motion to reopen the case. Additionally, the motion provided no reason or excuse as to why Appellant has not complied with the applicable rules in a timely manner. This matter has been delayed by the actions of the Appellant long enough and after several second chances, she has still not complied with the applicable rules.

The appellant has not complied with any of the rules in regard to ordering the transcript, paying for the transcript or serving a proper notice of her motion within the required periods of time. The Respondent requests that the appeal in this matter be dismissed and that the Remitter be issued by this Court to the lower court.

November 14, 2019
Bishopville, South Carolina

Respectfully Submitted,



S. BRYAN DOBY
JENNINGS & JENNINGS
Post Office Box 106
Bishopville, South Carolina 29010
Phone: (803) 484-5454
Fax: (803) 484-6044
ATTORNEY FOR RESPONDENT

Other Counsel of Record:

Benita Dinkins-Robinson
Johnny Watson, Esquire

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Case No.: 2018-CP-31-00053
Appellate Case No.: 2019-000131

Alan Ratner

Respondent,

v.

Benita Dinkins-Robinson,

Appellant.

RECEIVED
NOV 18 2019
SC Court of Appeals

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is a secretary with the law firm of Jennings & Jennings, P. A.; that a copy of the **Return to Motion to Reopen An Appeal** was served in the foregoing action by depositing the same in the United States mail with sufficient postage affixed thereto and return address clearly visible on the 14th day of November, 2019, addressed to the following:

Johnny Watson, Esquire
Watson Law Firm
PO Box 2305
Columbia, SC 29202

Benita Dinkins-Robinson
PO Box 2305
Columbia, SC 29202


Venna C. Smith