

# The South Carolina Court of Appeals

Charles E. Deal, Jr., Appellant,

v.

Angela Godfrey, Respondent.

Appellate Case No. 2019-001325

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## ORDER

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After careful consideration, the motion to dismiss is granted. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."); Rule 203(b)(1), SCACR (A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a *timely* . . . motion to alter or amend the judgment (Rules 52 and 59, SCRCPP), . . . has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion." (emphasis added)); Rule 59(e), SCRCPP ("A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order."); Rule 6(b), SCRCPP ("The time for taking any action under rules 50(b), 52(b), 59, and 60(b) may not be extended except to the extent and under the conditions stated in them."). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

**FILED**

*December 20, 2019*

cc:

James G. Carpenter, Esquire

William G. Rhoden, Esquire