

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM MARLBORO COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Appellate Case No. 2019-000872

RECEIVED
JAN 21 2020
SC Court of Appeals

Sharon Thompson,.....Appellant,

v.

Sprint Food Store #728..... Respondent.

**RESPONDENT’S RESPONSE TO APPELLANT’S REPLY TO
MOTION TO DISMISS APPEAL**

TO: THE HONORABLE JUDGES OF THE COURT OF APPEALS OF SOUTH
CAROLINA:

Pursuant to Rules 240 and 260(a), SCACR, Respondent Sprint Food Store #278 (“Respondent”) respectfully moved this Court for an Order dismissing the above-captioned appeal. The grounds for dismissal include numerous deficiencies by Appellant related to this appeal, as well as the untimeliness of certain filings. Appellant has failed to file any motion for

extension of time with good cause shown related to the delayed filings. Additionally, there have been several deficiencies related to the briefing in this matter, cause grave delays in this appeal.

Appellant filed her Reply to Respondent's motion to dismiss, admitting to non-substantive deficiencies and relying upon Court rules regarding time extensions.

While Appellant correctly states the Rules applicable to time extensions and the standard of "good cause shown," Appellant has failed to submit to the Court any motions or requests for extensions of time and has, therefore, failed to meet the requisite good cause shown standard.

Most recently, Appellant filed its Motion to Dismiss based on continued deficiencies as well as timeliness of filings on December 16, 2019. A courtesy copy of the motion was electronically mailed to counsel and a hard-copy placed in the United States Mail. Appellant avers that due to the holiday schedule, he did not receive the copy via United States Mail until December 30, 2019, while seemingly ignoring that a copy was received via e-mail on December 16, 2019. Appellant failed to timely respond to Respondent's Motion to Dismiss and failed to file any request for extension of time. In short, at the time of her January 6, 2020, filings of her Reply to the Motion to Dismiss, Appellant had

failed to request an extension from the Court and failed to submit the requisite good cause shown as to the untimely filing of the Response.

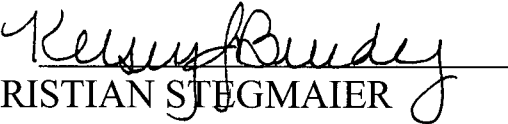
Appellant characterizes the deficiencies and untimely filings as “non-substantive.” However, Respondent notes this appeal was filed on May 24, 2019. Nine months after the appeal was filed, the parties remain in the initial briefing stages. The deficiencies and untimely filings have caused prejudicial delay in this appeal.

Accordingly, Respondent respectfully requests the Court grant its Motion to Dismiss.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

COLLINS & LACY, P.C.

By: 
CHRISTIAN STEGMAIER

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ATTORNEYS FOR RESPONDENT SPRINT
FOOD STORES, INC.

**RESPONDENT'S RESPONSE TO
APPELLANT'S REPLY TO MOTION TO
DISMISS**

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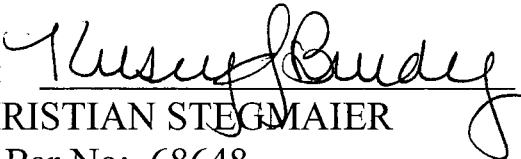
PROOF OF SERVICE

I hereby certify that I served Respondent's Response to Appellant's Reply to Motion to Dismiss upon all parties, by placing a copy in the United States mail, postage prepaid, to all counsel of record on January 21, 2020, addressed to the following:

Marshall S. Weaver, Esquire
Weaver Law Firm, LLC
Post Office Box 3888
Florence, SC 29502
Counsel for Plaintiff

Respectfully submitted,

COLLINS & LACY, P.C.

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FOOD STORES, INC.

**PROOF OF SERVICE- RESPONDENT'S
RESPONSE TO APPELLANT'S REPLY
TO MOTION TO DISMISS**



Kelsey J. Brudvig | D: 803.255.0418 | E: kbrudvig@collinsandlacy.com

RECEIVED

JAN 21 2020

SC Court of Appeals

January 21, 2020

VIA HAND DELIVERY

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Sharon Thompson v. Sprint Food Stores #728/Sprint Food Stores, Inc. v. Allen Moore*
Civil Action No. 2017-CP-34-00367
Claim No. 1009173
C&L File No. 001832-00125

Dear Ms. Kitchings:

Please find enclosed the original and seven (7) copies of Respondent's Response in Appellant's Reply to Motion to Dismiss Appeal in connection with the above referenced matter. Please file the original and return one copy to our office via our courier.

By copy of this letter to counsel of record, we are serving same on them.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in cursive script that reads "Kelsey Brudvig". Below the signature, the name "Kelsey J. Brudvig" is printed in a standard font.

Kelsey J. Brudvig

KJB/net

Enclosures

cc (via U.S. Mail and email):

Marshall S. Weaver, Esquire, Weaver Law Firm, LLC