

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

Marvin H. Dukes III, Master in Equity

Case NO 2019-CP-07-01326

RECEIVED
FEB 06 2020
SC Court of Appeals

South Beach Village Bluff Apartments
Horizontal Property Regime No. 56, Inc.,

Respondent,

v.

Zbigniew Marek Drzazgowski and Alicja
Anna Drzazgowski, Defendants,
of whom Zbigniew Marek Drzazgowski
is the

Appellant.

MOTION TO DISMISS THE APPEAL, AND TOLL DEADLINES

Appellant's Initial Brief simply cannot be responded to. It violates the rules of appellate procedure (SCACR) in too many ways to count. It also repeatedly violates the instructions of the Clerk of Court's letter of January 17 of this year, which gave Appellant 10 days to correct numerous deficiencies in the prior brief.

This follows the Clerk of Court's letter of December 31, 2019 which had given Appellant 10 days to correct numerous deficiencies in the even earlier brief.

Which follows a November 18 letter from the Clerk of Court noting that his brief was more than a month late, all of which follow an even earlier chain of missed

and improper filings, as detailed in the Court's online database,
<https://ctrack.sccourts.org/public/caseView.do?csIID=70660>.

While counsel understands the difficulties a pro se litigant may encounter in bringing an appeal, at some point the burden on the other party becomes too much. Respondent has to pay its attorney to read and consult regarding each of these incorrect filings.

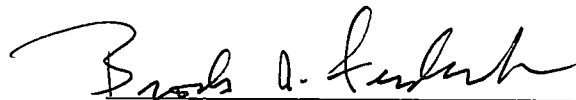
After receiving the Clerk's letter stating that his brief was late, Appellant has now served three "briefs," none of which comply with the Appellate Court Rules.

Respondent therefore respectfully asks the Court to dismiss the appeal.

Finally, Respondent requests that the deadline for Respondent to serve and file its Brief be tolled until a reasonable time after the Court has ruled on this motion.

Respectfully Submitted,

LAW OFFICE OF BROOKS R. FUDENBERG LLC



January 30, 2020

Brooks R. Fudenberg SC Bar No. 0072019
171 Church Street, Suite 170, Charleston, SC 29401
843-416-2558

Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity

Case No. 2019-001420

South Beach Village Bluff
Apartments Horizontal
Property Regime No. 56, Inc.,

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Respondent,

v.

Zbigniew Marek Drzazgowski
and Alicja Anna Drzazgowski,

Defendants,

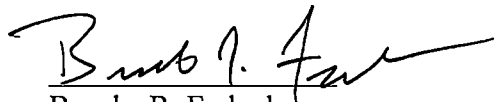
Of whom Zbigniew Marek
Drzazgowski is the

Appellant

PROOF OF SERVICE

I certify that a copy of Appellant's Motion to Dismiss the Appeal, and Toll Deadlines, of today's date, was served upon the Appellant by mailing a copy, first class postage attached, to Zbigniew Marek Drzazgowski, 9 West District Rd., Unionville CT 06085.

1/30/2020



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January 30, 2020

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

Re: South Beach Village v. Zigniew Drzazgowski
Appellate Case No. 2019-001420

Dear Ms. Kitchings:

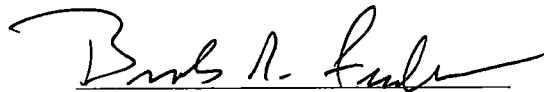
Please find enclosed:

- * an original of a motion to dismiss the appeal,
- * six (6) copies of the motion,
- * a proof of service of the motion, and
- * a check in the amount of \$50.00 as the filing fee.

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Thank you

Sincerely,



Brooks R. Fudenberg
Law Office of Brooks R. Fudenberg LLC
Attorney for Appellant

cc: Zigniew Drzazgowski