



WHEN IT'S WORTH FIGHTING FOR!

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
V. Claire Allen, Chief Deputy Clerk	James G. Carpenter, Esq.
COMPANY:	DATE:
Court of Appeals	3/23/2020
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
803-734-1839	5
PHONE NUMBER:	SENDER'S PHONE NUMBER:
803-734-1890	(864) 235-1269
RE:	YOUR REFERENCE NUMBER:
Objection to Reply	App. Case No. 2019-001325

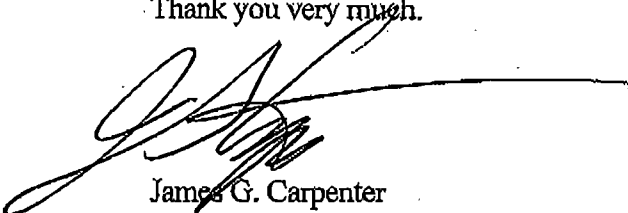
URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

Dear Ms. Allen:

I attach an Objection to the Reply on the letter requesting costs.

Thank you very much.


 A handwritten signature in black ink, appearing to read 'James G. Carpenter', written over a horizontal line.

James G. Carpenter
RECEIVED

MAR 23 2020

SC Court of Appeals

Cc: William Rhoden via fax: 864-489-8806

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY

Court of Common Pleas
Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2019-001325
Circuit Court Case No. 2018-CP-11-00838

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MAR 23 2020

SC Court of Appeals

Charles E. Deal, Jr., Appellant,

v.

Angela Godfrey, Respondent.

OBJECTION TO REPLY

Appellant objects to the Respondent’s reply in support of her letter¹ requesting costs. Appellant files this Objection by facsimile transmission pursuant to Supreme Court Order 2020-03-20-1, temporarily allowing such filing.

Rule 222(d) states: “Any return or **reply** to the motion **shall be** served and filed in the manner provided by Rule 240.” (Emphasis added). Rule 240(f) requires: “The moving party shall have **five days** from the date of service of the return to file an original and six copies of a reply with the clerk and serve on all parties a copy of the reply.” (Emphasis added).

¹ Appellants question whether Respondent’s initial letter requesting costs should have been accepted for filing, when it failed to comply with Rule 267. “The clerk of the appellate court shall insure compliance with this Rule before accepting any papers for filing.” SCACR 267(g).

Initially, the Respondent did not file a reply at all. A month and a half after the return, the Court made the extraordinary gesture of inviting a reply.²

Accordingly, Respondent filed a reply, but it was not within five days of the return; it was more than a month and a half after the return.

Furthermore, Respondent appears to try to transform an untimely reply into an untimely motion for costs and memorandum of authorities. It was only in the reply (two months late) that the Respondent, for the **first** time “state[d] the grounds” (SCACR 240(c)) of her request for costs, and, for the **first** time, included a “memorandum with citation of authorities in support of the motion.” (SCACR 240(c)(2)). It was only in the reply that the Appellant attempted to comply with Rule 267.

(c) Form and Content of Motions and Petitions. All motions or petitions filed in an appellate court shall be in writing, shall state the grounds thereof, and shall comply with the requirements of Rule 267. The pages of the motion or petition and all supporting documents shall be consecutively numbered. Each motion or petition shall include the following:

- (1) A certificate or affidavit of service reflecting the date of service upon all parties. The original certificate or affidavit of service must be filed with the original motion or petition.
- (2) A memorandum with citation of authorities in support of the motion.

Id., (emphasis added).

Even after Appellant’s explicit objection in the return, Respondent’s reply failed to “consecutively number[]” the pages. (SCACR 240(c)). Accordingly, Respondent continues to ignore the rules.

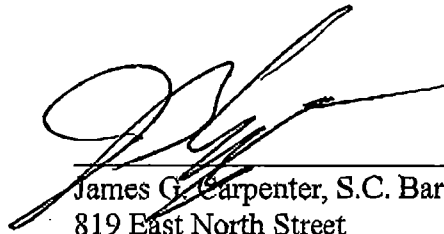
“Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition.” Rule 240 (g) (emphasis added).

² “The court may in its discretion enlarge or limit the time for filing the return.” SCACR 240(e) (emphasis added). However, the rule for filing a reply, Rule 240(f), does not *explicitly* authorize enlarging the time.

CONCLUSION

Appellant objects to the Respondent's Reply as untimely, for attempting to transform an untimely reply into an untimely motion and memorandum, and for failure "consecutively number" the pages. Rule 240(c).

Respectfully submitted,
THE CARPENTER LAW FIRM, PC

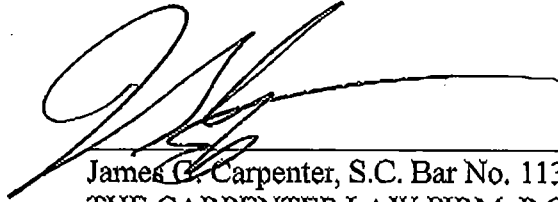


James G. Carpenter, S.C. Bar No. 1136
819 East North Street
Greenville, SC 29601
(864) 235-1269
Attorney for the Appellant

March 23, 2020

Certificate of Service

The undersigned attorney hereby certifies that he served a copy of the foregoing Objection to Reply in support of Respondent's request for costs on counsel for Respondent by facsimile transmission at 864-489-8806 on March 23, 2020.



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MAR 23 2020

SC Court of Appeals