

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Apr 17 2020

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
Brian M. Gibbons, Circuit Court Judge

SC Court of Appeals

Civil Action No. 2019-CP-28-00101
Appellate Case No. 2019-001041

James Teal,..... Appellant,

v.

South Carolina Department of Transportation.....Respondent.

**RESPONDENT’S RETURN TO APPELLANT’S NOTICE AND STIPULATION OF
DISMISSING APPELLANT’S APPEAL**

Respondent submits this return to Appellant’s Notice and Stipulation of Dismissing Appellant’s Appeal.

Respondent does not oppose the dismissal of this appeal. However, Respondent does oppose the dismissal of this appeal without prejudice. Rule 260(c), SCACR, provides that an appeal “may be dismissed on motion of the appellant or petitioner upon such terms as may be fixed by the court.”

This appeal should not be dismissed without prejudice. There is no provision in the Appellate Court Rules allowing for a dismissal without prejudice. Respondent is concerned that Appellant will use a dismissal without prejudice as an invitation to refile this suit.

RILEY POPE & LANEY, LLC



Peter M. Balthazor, SC Bar No. 68244
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Attorneys for Respondent

April 17, 2020
Columbia, South Carolina

No. 4465 P. 4

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James Teal, Appellant,

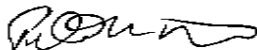
v.

South Carolina Department of Transportation Respondent.

CERTIFICATE OF SERVICE

I do hereby certify that I caused to be served the **RESPONDENT'S MOTION TO DISMISS APPEAL** upon the below-named party by depositing a copy of the same in the U.S. Mail, first class postage prepaid, and addressed as follows:

James Teal, *pro se*
2832 Tee Pee Trail
Elgin, South Carolina 29045-9758



Peter M. Balthazor

April 17, 2020
Columbia, South Carolina

Apr. 17. 2020 1:47PM

No. 4465 P. 1

RILEY
POPE &
LANEY
— LAW —

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April 17, 2020

VIA FAX (803) 734-1839

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: James Teal v. South Carolina Department of Transportation
C/A No.: 2019-CP-28-00101, 2019-001041
Our File No.: 5021.00719

Dear Ms. Kitchings:

Please find enclosed the Respondent's *Return to Appellant's Notice and Stipulation of Dismissing Appellant's Appeal*.

Thank you for your kind assistance in this matter.

Sincerely,



Peter M. Balthazor

PMB

Enclosures

Cc: James Teal, *pro se*

Apr. 17. 2020 1:47PM