

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Kristi Curtis, Circuit Court Judge

Case No.: 2018-CP-43-1583
Appellate Case No. 2019-000873

RECEIVED

Apr 22 2020

SC Court of Appeals

M.B. Hutson, Appellant,

v.

A. Paul Weissenstein, Respondent.

MOTION TO DISMISS APPEAL

Respondent A. Paul Weissenstein, by and through the undersigned counsel, hereby moves to dismiss the above-captioned appeal for Appellant Hutson’s failure serve the Record on Appeal. This motion is brought pursuant to Rule 210 which requires service of the Record on Appeal within thirty (30) days of service of the last brief.

Appellant’s Initial Reply Brief was served on February 26, 2020, making service of the Record on Appeal due on or before March 27, 2020. Pursuant to the Supreme Court of South Carolina’s order related to appellate court operations during the coronavirus crisis, Appellant was granted an automatic twenty (20) day extension, making service of the Record on Appeal due on or before April 16, 2020.

As of the date of this motion, April 22, 2020, Appellant has failed to serve the Record on Appeal upon the Respondent. Accordingly, this appeal should be dismissed for failure to comply with Rule 210, SCACR.

April 22, 2019

Respectfully submitted,



Steven R. Kropski (S.C. Bar # 101441)
David W. Overstreet (S.C. Bar# 16965)
Ryan M. Gunther (S.C. Bar# 104141)
Earhart Overstreet LLC
P.O. Box 22528
Charleston, South Carolina 29413
(843) 972-9404
Attorneys for Respondent Paul A.
Weissenstein

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M.B. Hutson, Appellant,

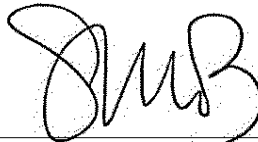
v.

A. Paul Weissenstein, Respondent.

PROOF OF SERVICE

I certify that I have served Respondent's Motion to Dismiss Appeal on all parties to this appeal by depositing a copy in the United States Mail, postage prepaid, on April 22, 2019, addressed to *pro se* Appellant as follows:

M.B. Hutson, PRO SE
Post Office Box 2755
Orangeburg, South Carolina 29116-2755



Paralegal to Steven R. Kropski



Earhart Overstreet
ATTORNEYS AT LAW

Main: 843.972.9400
www.earhartoverstreet.com
PO Box 22528, Charleston, SC 29413

Steve@earhartoverstreet.com
Direct: 843.972.9404

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SC Court of Appeals

VIA FAX ONLY

Jenny Abbott Kitchings, Clerk
V. Claire Allen, Deputy Clerk
South Carolina Court of Appeals
(803) 734-1839


Re: M.B. Hutson, Appellant v. A. Paul Weissenstein, Respondent
Appellate Case No.: 2019-000873

Dear Ms. Kitchings and Ms. Allen:

Enclosed please find a copy of *Respondent A. Paul Weissenstein's Motion to Dismiss Appeal*. The corresponding motion fee check has been mailed today and is forthcoming. Please do not hesitate to contact me with any questions or concerns.

With kind regards, I am

Sincerely,


STEVEN R. KROPSKI

SRK/shb
Enclosure

cc: M.B. Hutson, Pro Se (via U.S. Mail; Post Office Box 2755, Orangeburg, SC 29116-2755)

Fax

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Apr 22 2020

SC Court of Appeals

Date: 4/22/2020
To: 803-734-1839
From: Shelbi Brueckner
Subject: FW: Hutson v. Weissenstein - Case No. 2019-000873

From: Shelbi Brueckner
Sent: Wednesday, April 22, 2020 3:51 PM
To: 803 <734-1839@fax.vonage.com>
Cc: David Overstreet <david.overstreet@earhartoverstreet.com>; Steve Kropski <steve.kropski@earhartoverstreet.com>; Ryan Gunther <ryan.gunther@earhartoverstreet.com>; Camille Gardner <camille.gardner@earhartoverstreet.com>; Karen Jellison <karen.jellison@earhartoverstreet.com>
Subject: Hutson v. Weissenstein - Case No. 2019-000873

Good afternoon,

Please see correspondence from Steve Kropski attached. Should you have difficulty opening the attachments, please let me know.

Regards,

[EO Logo]<<http://earhartoverstreet.com/>>
Shelbi H. Brueckner
Paralegal
Direct 843 628 3784
PO Box 22528, Charleston, SC 29413