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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HAMPTON COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2020-000504

In Re: Estate of Laura Brown:  
Alexa Naomi Garner Brown.....Appellant,

v.

St. Jude Apostolic Faith Church of God and Michael Brown.....Respondents.

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**REPLY TO APPELLANT’S RETURN TO  
RESPONDENTS’ MOTION TO DISMISS APPEAL**

APR 27 2020

**SC Court of Appeals**

In reply to the Appellant’s Return to Respondents’ Motion to Dismiss Appeal, dated April 9, 2020 (“Return”), the Respondents herein offer the following:

1. In her Return, the Appellant fails to address, at all, the primary ground for Respondents’ Motion to Dismiss Appeal, to wit: that Appellant’s motion to reconsider in the lower court was merely a “rehash” of the solitary defense she had asserted twice previously, and therefore should not toll the deadline for appeal, rendering her subsequent appeal to this Court untimely.
2. The Return also fails to address the second ground for dismissal, to wit: that the Appellant failed to timely order the transcript of the hearing held before the lower

court in December of 2019 (“Transcript”), as required by Rule 207, SCACR.

3. Instead, as an apparent defense, Appellant’s Return cites the S.C. Supreme Court’s Order of March 20, 2020 (“March 20 Order”) regarding the coronavirus pandemic. This is unavailing for the Appellant, because the March 20 Order merely provides that if the Appellant had been required to take some action between March 13 and March 20 and failed to do so, such procedural default is forgiven and she would be allowed an additional twenty (20) days from the March 20 Order to comply. However, there was no procedural default as of March 20, because Appellant still had, at that time, seven (7) days within which to order the Transcript, or by March 27 (ten days from March 17, the date she filed her notice of appeal).
4. Accordingly, given that the grounds raised by the Respondents in their Motion to Dismiss appear to be uncontested,<sup>1</sup> the Respondents pray that this Court dismiss the within appeal.

Respectfully submitted,



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Attorney for Respondents

April 23, 2020

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<sup>1</sup>It is noteworthy that, while Appellant assures this Court in her Return that she “intends to file her Initial Brief and Designation of Matter within the next couple of days,” she does not state that she has ordered (or will order) the Transcript, as required by Rule 207.

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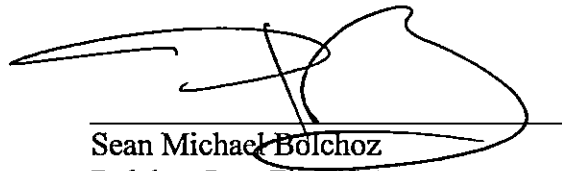
St. Jude Apostolic Faith Church of God and Michael Brown.....Respondents.

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**PROOF OF SERVICE**

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I certify that I have served Respondents' Reply to Appellant's Return to Respondents' Motion to Dismiss upon Appellant Alexa Naomi Garner Brown by depositing a copy of same in the United States Mail, postage prepaid, on April 23, 2020, addressed to Appellant's attorney of record, James H. Moss, Esquire.



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Attorney for Respondents

April 23, 2020

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April 23, 2020

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

**RE: *In Re: Estate of Laura Brown; Alexa Naomi Garner Brown, Appellant v. St. Jude Apostolic Faith Church of God and Michael Brown, Respondents***  
***Appellate Case No. 2020-000504***

Dear Ms. Kitchings:

Please find enclosed the original and one copy each of the Respondents' Reply to Appellant's Return to Respondents' Motion to Dismiss Appeal and a Proof of Service for same.<sup>1</sup> Please file the originals and returned the clocked-copies to me via the enclosed, self-addressed stamped envelope.

With kind, personal regards, I am

Sincerely,

BOLCHOZ LAW FIRM, PA

Alane A. Peragallo  
SENDER'S E-MAIL ADDRESS:  
ADMIN@BOLCHOZLAW.COM

SMB/aap  
Enclosures  
cc: James H. Moss, Esquire (w/encl.)  
Michael Brown  
I:\A to C Clients\Brown, Michael - LRS030\Court of Appeals\SC Ct App ltr - file reply.wpd

**RECEIVED**

APR 27 2020

SC Court of Appeals

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<sup>1</sup>We have provided the original and only one copy (to be clocked and returned) pursuant to Paragraph 5(d) of the Supreme Court's Order of March 20, 2020 ("[A] document filed with the Supreme Court or Court of Appeals need not be accompanied by any additional copies.").



 **BOLCHOZ**  
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SC Court of Appeals

**The Honorable Jenny Abbott Kitchings**

South Carolina Court of Appeals

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Columbia, SC 29211

