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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY COURT OF COMMON PLEAS

Deadra Jefferson, Circuit Court Judge

Appellate Case No. 2019-001951

Alan G. Nix, Norma J. Nix
and the Estate of Norma J.

Nix.....Appellants

v.

Churchill Park, Churchill Park HOA, Churchill Park Homeowners' Association, Inc., Churchill at Park West Association, Inc., Churchill Property Owners Association, Churchill Park Property Owners Association, Churchill Park at Parkwest, Inc., Churchill Park at Park West Association, Inc., Churchill Park @ Park West Association, Inc., Southern Community Services, LLC, Park West Development Corp., LPPM, Inc., **McCabe, Trotter & Beverly, PC**, Dobson Builders, **Stephanie Trotter, Ryan McCabe, Jaime McSweeney**, Larry Riddlehoover, Mike Hurd, Sheri Cothran, David Brown, Catherine Brown, Stephen Sumner, Richard Riccoboni, Rick Cumberland, Park West Master Association, Inc., Park West Amenity Association, Inc., C. Richard Dobson, Builders, Inc., DR Horton, Inc., Brian Gardner, Venture Management of South Carolina, Inc., Dodds & Hennessey, LLP, Kim Atkeson, Jennifer Williamson, Jessica Turner, Kevin Steelman, Landtech Development, LLC, Landtech Incorporated of South Carolina, Land Tech Charleston, LLC, Rogers, Townsend & Thomas, PC, Henry Munn, Charleston County (Christine Smith), Judge Mikell Scarborough, Sandlapper Reporting, LLC, William H. Sloan, Sloan Law Firm, Individual Agents, Assigns, Attorneys, Accountants, Employees, Officers, Directors, Independent Contractors, Investors, Successors, Predecessors, Insurers, Representatives, Parents, Sister

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MAY 04 2020

SC Court of Appeals

and Affiliated Entities, Partners, Members of all Persons
Who Might be Liable..... Respondents.

**Motion to Dismiss of Respondents McCabe, Trotter & Beverly, PC, Stephanie
Trotter, Ryan McCabe, and Jaime McSweeney**

Respondents McCabe, Trotter & Beverly, PC, Stephanie Trotter, Ryan McCabe, and Jaime McSweeney (“these Respondents”) move this Court to Dismiss Appellants’ Appeal for failure to timely file an Initial Brief. These Respondents show the Court as follows:

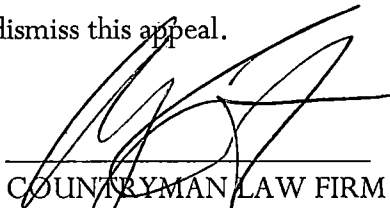
Appellants filed the Notice of Appeal November 25, 2020. Appellants requested the transcript of the hearing via letter dated December 4, 2019 (letter filed with the Court on December 9, 2019). Counsel for these Respondents received the transcript on February 19, 2020. *See* Ltr. filed with Court Feb. 28, 2020. Appellants received the transcript of the hearing no later than February 29, 2020. *See* Ltr. filed with Court Mar. 2, 2020.

Rule 208, SCACR 208 mandates that an appellant must file an initial brief within thirty days of *receiving* the transcript. “Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court *shall* sign an order dismissing the appeal. . .” (emphasis added) Rule 208(a)(4), SCACR. Under the Rule, Appellants had until March 30, 2020, to file their initial brief.

On March 20, 2020, the South Carolina Supreme Court issued an Order Regarding the Operation of the Appellate Courts During the Coronavirus Emergency (Appellate Case No. 2020-000447). Among other things, that Order extends deadlines for appellate filings twenty days. Including the additional twenty days, Appellants had until April 20, 2020, to file their initial brief. Appellants have failed to do so.

Therefore, under Rule 208(a)(4), SCACR, the Court *shall* dismiss Appellants' appeal. These Respondents request the Court take such action and dismiss this appeal.

May 1, 2020



COUNTRYMAN LAW FIRM
Andrew W. Countryman
State Bar No. 72700
321 Wingo Way, Ste. 102
Mt. Pleasant, SC 29464
**Counsel for Respondents McCabe,
Trotter & Beverly, PC, Stephanie
Trotter, Ryan McCabe and Jaime
McSweeney**

Other counsel of record for these Respondents:
ROGERS, TOWNSEND & THOMAS, P.C.
Robert P. Wood
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Columbia, SC 29202-3200
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SC Court of Appeals

and Affiliated Entities, Partners, Members of all Persons
Who Might be Liable..... Respondents.

PROOF OF SERVICE

I certify I have served the Motion to Dismiss of Respondents McCabe, Trotter & Beverly, PC, Stephanie Trotter, Ryan McCabe and Jaime McSweeney on all parties/their counsel in this case by depositing a copy in the United States Mail, postage prepaid addressed as follows:

Alan G. Nix
1401 Densmore Circle
Mt. Pleasant, SC 29466
Pro Se Appellant(s)

G. Troy Thames
Wilson, Jones, Carter & Baxley
421 Wando Park Blvd.
Mt. Pleasant, SC 29464
**Counsel for David Brown and Catherine
Brown**

Kevin W. Mims
Luzuriaga Mims, LLP
50 Immigration St., Ste. 200
Charleston, SC 29403
**Counsel for Churchill Park, Churchill
Park at Park West, Inc., Churchill Park
at Park West Association, Inc., and
Stephen Sumner**

This 1st day of May, 2020



COUNTRYMAN LAW FIRM
Andrew W. Countryman
321 Wingo Way, Ste. 102
Mt. Pleasant, SC 29464
**Counsel for Respondents McCabe,
Trotter & Beverly, PC, Stephanie
Trotter, Ryan McCabe and Jaime
McSweeney**

COUNTRYMAN LAW FIRM

Litigation ♦ Mediation

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May 1, 2020

Via Fax (803-734-1839) and U.S. Mail

South Carolina Court of Appeals
Attn.: Clerk, Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

Re: Nix v. Churchill Park, *et al.*
Appellate Case No.: 2019-001951
CLF: 000006 – 000050

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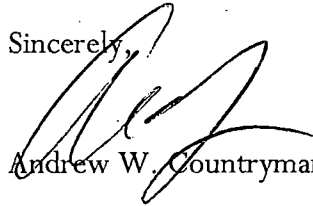
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SC Court of Appeals

Dear Jenny:

I represent Respondents McCabe, Trotter & Beverly, P.C., Stephanie Trotter, Ryan McCabe and Jaime McSweeney in this case. I enclose for filing, an original Motion to Dismiss (with Proof of Service), as well as a check for the \$50 filing fee. I am not including copies of the Motion pursuant to the Supreme Court's Order of March 20, 2020. Please let me know if you need copies, and I will send them immediately. By copy of this, I am serving the Motion on the Appellant(s) and counsel for the other Respondents.

Sincerely,


Andrew W. Countryman

AWC/sgc
Enclosures

Cc: Alan Nix, Robert Wood, G. Troy Thames, Kevin W. Mims

Countryman Law Firm
321 Wingo Way, Suite 102
Mount Pleasant SC 29464

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South Carolina Court of Appeals
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