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AUG 28 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson,
Circuit Court Judge

Case No.: 2019-CP-26-03905

Appellate Case No.: 2019-001744

Resort Restaurants of Myrtle Beach, Inc. d/b/a Rossi's,Appellant,

vs.

Galleria Shopping Center, LLC, Respondent.

**MOTION TO DIRECT APPELLANT TO PROPERLY PREPARE RECORD
ON APPEAL PURSUANT TO RULE 210(C), SCACR**

Pursuant to Rules 210(c) and 240 of the South Carolina Appellate Court Rules, the Respondent, Galleria Shopping Center, LLC ("Galleria"), moves this Court to direct Appellant to properly prepare the Record on Appeal to comply with Rule 210(c). As the Court will note, the current Record on Appeal filed by Appellant does not conform with Rule 210(c), as none of the pages in the Record on Appeal are numbered. See Rule 210(c), SCACR ("Each page of the Record on Appeal shall be numbered consecutively beginning with the index."). Without the pages on the Record on Appeal

being numbered, Galleria cannot prepare its Final Brief in accordance with Rule 211(b)(1), which requires Galleria to cite to page numbers in the Record on Appeal.

Respectfully, Galleria moves this Court to issue an Order directing Appellant to re-file the Record on Appeal, so that it complies with Rule 210(c). In the alternative, Galleria moves this Court to dismiss Appellant's appeal for failure to comply with Rule 210(c).

BURR & FORMAN LLP

s/James K. Gilliam

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Counsel for Respondent

August 26, 2020
Greenville, South Carolina

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Resort Restaurants of Myrtle Beach, Inc. d/b/a Rossi's,Appellant,

vs.


Galleria Shopping Center, LLC, Respondent.

PROOF OF SERVICE

I, Carole Koerner, an employee of Burr & Forman LLP attorneys for Respondent, Galleria Shopping Center, LLC in the above-entitled action, certify that I have served the **Motion To Direct Appellant To Properly Prepare Record On Appeal Pursuant To Rule 210(C), SCACR and Proof of Service** on Counsel of Record to this matter by depositing a copy in the United States Mail, first class postage prepaid and attached thereto, on the 26 day of August, 2020 as follows:

OTHER COUNSEL OF RECORD:

Robert B. Strickland, IV, Esq.
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Carole Koerner

BURR & FORMAN MCNAIR

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SC Court of Appeals

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BURR.COM

August 26, 2020

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

Re: Resort Restaurants of Myrtle Beach, Inc. d/b/a Rossi's v. Galleria Shopping Center, LLC; Appellant Case No.: 2019-001744; Our matter: 2053065.1

Dear Ms. Kitchings:

Enclosed for filing with the Court is the original and one copy of the Motion To Direct Appellant To Properly Prepare Record On Appeal Pursuant To Rule 210(C), SCACR and Proof of Service in regards to the above matter. Also enclosed is a check in the amount of \$50.00 for the filing fee. Pursuant to the Proof of Service, copies of the aforementioned documents were served on counsel of record.

Please provide a filed copy of the above stated documents in the enclosed self-addressed stamped envelope.

Very truly yours,

BURR & FORMAN LLP

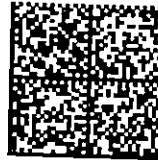
s/James K. Gilliam

James K. Gilliam

JKG/ck

cc: Client
Robert B. Strickland, IV

Enclosures



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**BURR ∴
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