

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Diane Schafer Goodstein, Circuit Court Judge

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Case No. 2018-CP-10-02963  
Appellate Case No. 2020-000195

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**RECEIVED**

**Sep 29 2020**

**SC Court of Appeals**

Alice H. Anderson ..... Appellant,

v.

R. Michael Drose and Drose Law Firm..... Respondents.

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**RESPONDENTS' MOTION TO DISMISS**

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R. Michael Drose and Drose Law Firm (“Respondents”), pursuant to Rule 260, SCACR, and this Court’s Order of August 28, 2020, respectfully move the Court for an order dismissing this appeal for Alice H. Anderson’s (“Appellant”) failure to comply with the requirements of the South Carolina Appellate Court Rules and order of this Court.

This appeal arises out of a legal malpractice case filed by Appellant *pro se* against Respondents, her former bankruptcy counsel, in the Charleston County Court of Common Pleas. Respondents moved for and were granted summary judgment. In the underlying matter and on appeal, Alice H. Anderson has acted through her son and power of attorney, Edward Anderson.

Appellant served her Notice of Appeal on February 5, 2020 and requested the transcript of the hearing on Respondent’s Motion for Summary Judgment on February 18, 2020. Appellant notified this Court that she received the transcript on May 24, 2020. On June 22, 2020,

regrettably, Edward Anderson notified this Court by letter that Alice H. Anderson had passed away on June 2, 2020 and requested that this matter be held in abeyance for one hundred and twenty (120) days. Appellant also emailed this Court on July 22, 2020 requesting thirty (30) days extension to serve her brief and designation of matter.

On July 27, 2020, this Court filed an order extending the deadline for Appellant's service and filing of her initial brief and designation of matter to August 24, 2020. By order dated July 31, 2020, this Court denied Appellant's earlier request for an abeyance of one hundred and twenty (120) days, instead holding the matter in abeyance for thirty (30) days, or until August 31, 2020, to allow Appellant to retain counsel.

Finally, by email from Edward Anderson dated and received by this Court on August 26, 2020, Appellant requested an extension of thirty (30) more days to serve the initial brief and designation of matter, noting he was still seeking legal counsel. By order dated August 28, 2020, this Court extended the deadline for Appellant's filing and service of the initial brief and designation of matter to September 23, 2020, noting that no further extension would be granted "absent extraordinary circumstances."

To date, Appellant has yet to serve (or file) the initial brief or designation of matter and Respondent has not been notified of any further request for extension by Appellant due to extraordinary circumstances. Accordingly, Respondent respectfully requests that this action be dismissed with prejudice and for such other relief as the Court deems just and appropriate.

[Signature page follows.]

September 29<sup>th</sup>, 2020



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✓ Joshua H. Umbarger

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Attorneys for Respondents

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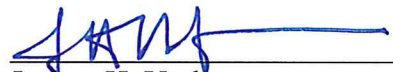
R. Michael Drose and Drose Law Firm..... Respondents.

**PROOF OF SERVICE**

I certify that I have served Respondents' Motion to Dismiss by depositing a copy of the same in the United States Mail, postage prepaid, on September \_\_\_\_, 2020, addressed as follows:

Edward Anderson  
P.O. Box 75435  
Washington, DC 20013  
Appellant *Pro Se*

September 29<sup>th</sup>, 2020

  
\_\_\_\_\_  
Joshua H. Umbarger