

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

Oct 02 2020

APPEAL FROM OCONEE COUNTY
In the Court of Common Pleas

S.C. SUPREME COURT

The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2020-001279

Martha “Linda Lusk, Ph.D.....Appellant

v.

Jami L. Verderosa.....Respondent

MOTION TO DISMISS PETITION FOR WRIT OF CERTIORARI

Now Comes Respondent Jami Verderosa and moves the Supreme Court of the State of South Carolina, pursuant to South Carolina Appellate Court Rule 240, to dismiss the Petitioner’s Petition for Writ of Certiorari, and in support thereof states as follows:

The South Carolina Court of Appeals denied the Petitioner’s Petition for Rehearing in this matter by Order filed on August 24, 2020. (Exhibit A). Pursuant to South Carolina Appellate Court Rule 242 (c), a “petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals¹ and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals.”

¹ It appears that the Appellant’s Petition for Writ of Certiorari was not filed with the Clerk of the Court of Appeals. See Exhibit B, Appellant’s Proof of Service.

The South Carolina Court of Appeals finally decided the Petition for Rehearing by no later than Monday, August 24, 2020, which was the date its Order denying the Petition for Rehearing was filed. Starting from the day after August 24, 2020, thirty (30) days thereafter was Wednesday, September 23, 2020.² The Petitioner did not file her Petition for Writ of Certiorari until Thursday, September 24, 2020. (Exhibit B).

The Petitioner failed to file her Petition for Writ of Certiorari on time. Because her Petition was filed after the required deadline established in Rule 242 (c), her Petition for a Writ of Certiorari should be dismissed.

WHEREFORE, Respondent Jami Verderosa respectfully moves the Court to dismiss the Petitioner's Petition for Writ of Certiorari. The Respondent further requests an Order extending her deadline to respond to the Petition for a Writ of Certiorari until fifteen (15) days after the Supreme Court rules on this Motion to Dismiss, and for any other relief this Court deems appropriate. The \$50 filing fee has been placed in the mail to the Court today.

MURPHY & GRANTLAND, P.A.

s/Jeffrey C. Kull
Jeffrey C. Kull, Esq. (SC Bar No. 65449)
Wesley B. Sawyer, Esq. (SC Bar No. 11244)
4406-B Forest Drive
Columbia, SC 29260
(803)782-4100
(803)782-4140 (Fax)
Jkull@murphygrantland.com

October 2, 2020

Attorneys for Respondent Jami L. Verderosa

² South Carolina Appellate Court Rule 263(a) provides: "In computing any period of time prescribed or allowed by these Rules, by order of court, or by an applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included."