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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

Case No. 2020-CP-23-01669  
Appellate Case No. 2020-001182

**RECEIVED**

DEC 14 2020

**SC Court of Appeals**

Sean Eric Roach ..... Respondent,

v.

Lee C. Yarborough ..... Appellant.

RESPONDENT'S MOTION TO DISMISS APPEAL

Respondent, Sean Eric Roach, by and through his undersigned counsel, hereby files this Motion to Dismiss Appeal in the above-captioned matter. The grounds for the motion are that the appeal is moot because the underlying Restraining Order from the Magistrate's Court, which was subsequently vacated by the Circuit Court on July 24, 2020, would have expired by its own terms on March 9, 2021, exactly one year after its issuance. Appellant failed to take any action to seek expedited review of this matter or to obtain a stay or supersedeas from the Circuit Court. The exact day that the final briefs in this case are due to be filed, the underlying restraining order would have expired by its own accord; accordingly, this appeal (even if successful) could not have any practical legal effect upon the parties with respect to the injunction in question. For the reasons set forth in detail in the accompanying Memorandum of Law, Appellant's appeal should be dismissed as moot.

December 10, 2020

A handwritten signature in black ink, appearing to read "David E. Rothstein", written over a horizontal line.

David E. Rothstein, SC Bar No. 66295

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Attorney for Respondent

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Sean Eric Roach ..... Respondent,

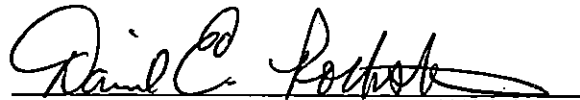
v.

Lee C. Yarborough ..... Appellant.

PROOF OF SERVICE

I certify that I have served Respondent's Motion to Dismiss Appeal and Memorandum of Law in Support of Respondent's Motion to Dismiss Appeal on Appellant, Lee C. Yarborough, by email and by depositing a copy of the same in the United States Mail, postage prepaid, on December 10, 2020, addressed to Appellant's attorney of record, Wesley D. Few, Esq., Wesley D. Few, LLC, P.. Box 9398, Greenville, SC 29604 ([wes@wesleyfew.com](mailto:wes@wesleyfew.com)).

December 10, 2020



David E. Rothstein, SC Bar No. 66295  
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**SC Court of Appeals**

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

Re: Sean Eric Roach v. Lee C. Yarborough,  
Appellate Case No. 2020-001182

Dear Ms. Kitchings:

I represent Respondent, Sean Eric Roach, in the above-reference case. Enclosed please find the original and seven copies of Respondent's Motion to Dismiss Appeal, Memorandum of Law in Support of Respondent's Motion to Dismiss Appeal (with attached Exhibit A & B), and Proof of Service. Please file the original and six copies of these documents and return the extra copy, clocked in, to me via the enclosed return envelope.

Enclosed please also find my firm's check for the filing fee in the amount of \$50.00, pursuant to Rule 240(d), SCACR.

Thank you in advance for your attention to this matter. If you have any questions or need anything else, please do not hesitate to call me or email me.



Sincerely yours,

David E. Rothstein

Enclosures

cc: Wesley D. Few (via email and regular mail)

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