

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2020-001544

RECEIVED

Feb 17 2021

SC Court of Appeals

Roy M. Stevens, Jr., and Renee Stevens,

Appellants,

v.

Odom Scruggs & Associates, LLC, and
Auto-Owners Insurance Company,

Respondents.

**RESPONDENT AUTO-OWNERS INSURANCE COMPANY'S
MOTION TO DISMISS
APPELLANTS' NOTICE OF APPEAL**

Respondent Auto-Owners Insurance Company moves to dismiss Appellants' Roy M. Stevens, Jr., and Renee Stevens' Notice of Appeal pursuant to Rule 240, SCACR, on the grounds that the Appellants' have failed to file and serve the initial brief within the time prescribed by the Clerk of the Appellate Court.

In support of this motion, Respondent Auto-Owners would respectfully show as follows:

1. On October 19, 2020, Appellants filed a Notice of Appeal of the Order of the Honorable Jocelyn Newman denying Appellants' Motion for Reconsideration for an Order granting Defendant Auto-Owners Summary Judgment.

2. Appellants' Initial Brief and Designation of Matter were originally due December 18, 2020, but Appellants filed a Motion for Extension of Time on December 17, 2020.

3. On December 18, 2020, the Court granted Appellant's First Motion for Extension of Time extending the deadline to file up to and including January 7, 2021.

4. On January 7, 2021, Appellants filed a Second Motion for Extension of Time, which was granted by the Court extending the time to file Appellants' Initial Brief and Designation of Matter up to and including January 21, 2021. In the Court's Order, Appellants were cautioned that no further extensions, absent extenuating circumstances, would be granted.

5. As of the undersigned date, over three weeks have passed since the extended deadline of January 21, 2021, expired.

6. As of the undersigned date, Respondent has not been served with Appellants' Initial Brief or Designation of Matter nor received any communication from counsel for the Appellants. Further, the Court docket does not reflect that Appellants timely filed the Initial Brief and Designation of Matter as is required in violation of SCACR Rule 208(a)(4) and 240(g).

WHEREFORE, Respondent Auto-Owners Insurance Company moves this Court to issue its order dismissing Appellants Roy M. Stevens, Jr., and Renee Stevens' Notice of Appeal and grant Respondent Auto-Owners such other and further relief as the Court deems just and proper.

February 17, 2021

/s/Mary D. LaFave
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Insurance Company

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PROOF OF SERVICE

I certify that I have served the Respondent Auto-Owners Insurance Company's Motion to Dismiss Appellants' Notice of Appeal on Appellants, Roy M. Stevens, Jr., and Renee Stevens, by electronic mail, on February 17, 2021, addressed to their attorney of record, S. Jahue Moore, Esquire, jake@mttlaw.com, Moore Taylor Law Firm, P.O. Box 5709, West Columbia, SC 29171.

February 17, 2021

/s/Mary D. LaFave

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