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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
In the Court of Common Pleas for the Fourteenth Judicial Circuit

Hon. Marvin H. Dukes, III, Master in Equity

Appellate Case No. 2018-002170

Steven Craig Molloy and Island Group, Inc., d/b/a Carolina
Cleaning Plaintiffs

Of which Steven Craig Molloy is the Appellant

v.

Beaufort County; Gary Kubic, Individually, and as Beaufort
County Administrator; Josh Gruber, Individually and as former
Beaufort County In-House Attorney; Bryan Hill, Individually and
as former Beaufort County Deputy Administrator; Shannon Loper,
Individually, and as Employee of the Beaufort County Parks and
Leisure; Stu Rodman, as finance Chair of Beaufort County
Council; and Dave Thomas, Procurement Director for Beaufort
County, South Carolina; Disabilities and Special Needs (Non-
Profit); and Beaufort County DSN Board,..... Respondents

MOTION TO STRIKE APPELLANT'S FINAL BRIEF

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Counsel for Respondents

AND NOW COME Respondents Beaufort County, Gary Kubic (Individually, and as Beaufort County Administrator), Josh Gruber (Individually and as former Beaufort County In-House Attorney), Bryan Hill (Individually and as former Beaufort County Deputy Administrator), Shannon Loper (Individually, and as employee of the Beaufort County Parks and Leisure), Stu Rodman (Finance Chair of Beaufort County Council), Dave Thomas (Individually and as Procurement Director for Beaufort County), and Disabilities and Special Needs (NON-PROFIT) Beaufort County DSN Board (collectively "Respondents"), by and through their undersigned counsel, and file this Second Motion to Strike Appellant's Final Brief:

1. Unfortunately, Respondents have been forced to return to the Court in an effort to ensure that proper documents are submitted to the Court for fair appellate review.

2. This is an appeal from an order of the trial court granting summary judgment for Respondents as to all claims asserted by Plaintiffs (Appellant Steven Craig Molloy is the *only* appellant).

3. Appellant filed multiple versions of his Initial Brief of Appellant in this matter, including filings on February 4, 2019 (44 pages, dated January 23, 2019) and February 25, 2019 (approximately 14 pages, dated February 20, 2019) (collectively "Initial Briefs"). Appellant filed an Initial Reply Brief on April 26, 2019.

4. After numerous issues concerning Appellant's preparation of the Record on Appeal, Respondents were finally able to file their Final Brief on August 25, 2020.

5. On October 8, 2020, well after the expiration of his time for filing final briefs Appellant filed a "Final Brief of Appellant" ("2020 Final Brief").

6. Rule 211(b) requires that final briefs be identical to the initial briefs, except for: (a) changing references to reflect the Record on Appeal; and (b) correction of typographical errors and misspellings. *See* S.C.A.C.R., Rule 211(a). Because the 2020 Final Brief was substantively different from the Initial Briefs, Respondents filed an October 9, 2020 Motion to Strike Appellant's Final Brief.

7. On January 14, 2021, the Court of Appeals granted Respondents' Motion to Strike Appellant's Final Brief, stating: "Within thirty days of the date of this order, Appellant shall serve and file an amended final brief that is identical to Appellant's initial brief with the exception of correcting any typographical errors and adding citations to the record on appeal."

8. In response to the Order, on February 4, 2021, Appellant filed another Final Brief of Appellant ("2021 Final Brief"), 33 pages long. Unfortunately, the 2021 Final Brief does not comply with this Court's January 14, 2021 Order. For example, the 2021 Final Brief either deletes full paragraphs from the Initial Briefs or adds new paragraphs that are not contained in the Initial Briefs. Moreover, there are numerous differences in wording and structure.

9. In light of the foregoing, Respondents respectfully ask that the Court enter an order to either: (a) strike the 2021 Final Brief; (b) dismiss this appeal; or (c) grant such other relief as may ensure that the Court has fair and proper briefing to allow it to decide this appeal.

CONCLUSION

10. For the foregoing reasons, Respondents respectfully request that the Court of Appeals strike Appellant's 2021 Final Brief, dismiss this appeal or grant such other relief as it may deem appropriate.

March 2, 2021

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 

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County, South Carolina; Disabilities and Special Needs (Non-
Profit); and Beaufort County DSN Board,..... Respondents

PROOF OF SERVICE

I certify that I have served the Second Motion to Strike Appellant's Final Brief on the
above-referenced Appellant by depositing a copy of it in the United States Mail, postage prepaid,
on March 2, 2021, addressed to him at the following address:

Steven Craig Molloy
43 Big Woods Drive
Hilton Head, SC 29926
Appellant

BARNWELL WHALEY PATTERSON &
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