

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

**Mar 08 2021**

**SC Court of Appeals**

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin Culbertson, Circuit Court Judge

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Appellate Case No. 2020-001291

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Julie Irving,

Plaintiff/Respondents,

v.

Jeanne Poafpybitty, Donald Matthew Rothgeb and Steven Taylor Rothgeb,

Defendants,

Of whom Jeanne Poafpybitty, Personal Representative  
of the Estate of Donald M. Rothgeb is Appellant.

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RESPONDENT'S REPLY OPPOSING APPELLANT'S MOTION, AND SEEKING  
DISMISSAL OF APPELLANT'S APPEAL

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Comes Now, Respondent Julie Burks (formerly Julie Irving), by and through her undersigned attorney, opposing Appellant's Motion for Third Extension and Stay, and requesting dismissal of Appellant's appeal. In support of Respondent's reply, the following is offered:

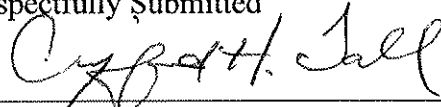
1. Respondent wishes to make clear that Appellant has not sought consent from Respondent for this third request for time extension, and Respondent has not consented to any extension of time to extend Appellant's filing obligations, set by the Court for March 5, 2021.

2. Respondent does not consent to Appellant's third request for time extension, which would allow additional time for Appellant to keep undisclosed, what additional issues there may be, which Appellant believes are unresolved, after considerable efforts by all parties in this matter. For more than five (5) months, Appellant has continued to keep to herself, the issues which she wishes to have addressed on the appeal. This continuing non-disclosure assists no party who wishes to fairly resolve this case. It will be unfair for Appellant to remain silent about her concerns, expecting that other parties will address legal issues which motivate her.

3. Respondent requests that Appellant's appeal now be dismissed, pursuant to Rule 260, South Carolina Appellate Court Rules, Appellant having failed to meet her obligations, associated with the privileges she has been afforded, in pursuing any and all continuing concerns which she may have.

THEREFORE, based upon Appellant's failures to observe the Appellate Court Rules and the prior Orders of this Court, Appellant's appeal in this matter should be dismissed.

Respectfully Submitted



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Clifford H. Tall

SC Bar #005463

Clifford H. Tall, P.A.

4702 Oleander Drive

Myrtle Beach, SC 29577

(843) 497-9777

Attorney for Respondent-Plaintiff, Julie  
Irving

Dated: March 8, 2021

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CERTIFICATE OF SERVICE

**SC Court of Appeals**

I, Clifford H. Tall, attorney for Respondent-Plaintiff, Julie Irving, do hereby certify that I have served Appellant, and other Defendants in this case in this action with a copy of Respondent's Reply, Opposing Appellant's Motion, and Seeking Dismissal of Appellant's Appeal, by email, to the following addresses:

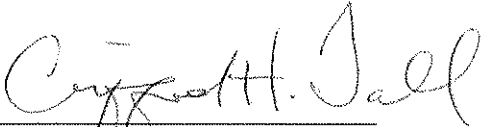
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Clifford H. Tall

Dated: March 8, 2021