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Jun 22 2021
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2020-000405

Case No. 2019-CP-38-00655

Jacquita Funchess

..... Appellant,

v.

Glenfield Apartments

..... Respondent,

RESPONDENT'S SECOND MOTION TO DISMISS APPEAL

The Respondent, Glenfield Apartments, hereby moves pursuant to Rules 210, 211, 240 and 260(c) SCACR, for an order dismissing the appeal filed by the Appellant. In support of the motion, the Respondent shows the following to the court:

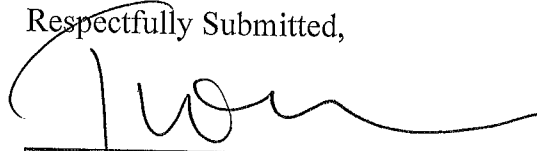
1. By Order dated February 7, 2020, The Honorable Maite Murphy dismissed Appellant's appeal of the Magistrate Court's eviction for failure to obtain a Return as required by SC Code of Laws 18-7-60.
2. Appellant filed a Notice of Appeal regarding the Order of The Honorable Maite Murphy on March 5, 2020.
3. Appellant filed its Designation of Matter on October 7, 2020.
4. Appellant filed its Initial Brief on October 14, 2020.

5. Respondent filed its Initial Brief and Designation of Matter on December 10, 2020.
6. Respondent filed its First Motion to Dismiss on January 20, 2021 due to Appellants failure to serve a copy of the Record on Appeal for more than thirty (30) days from the December 10, 2020 and had made no request for an extension.
7. The Court denied Respondent's First Motion to Dismiss on March 4, 2021.
8. Appellant moved for an extension of time to serve Record on Appeal on April 5, 2021.
9. Appellant moved for a second extension of time to serve Record on Appeal on May 11, 2021.
10. Appellant filed its Record on Appeal on May 17, 2021.
11. The Court sent a Deficiency Letter on May 21, 2021 to Appellant due to improper pagination in the Record on Appeal.
12. Appellant again filed its Record on Appeal on June 8, 2021.
13. Respondent now moves to dismiss the appeal for Appellant's continued improper pagination.
14. Respondent also moves to dismiss the appeal due to substantive failures by Appellant as follows:
 - a. Appellant's failed to properly include the documents designated to be included in the Record on Appeal pursuant to Rule 210(c).
 - b. Appellant included numerous documents in the Record on Appeal which are in what appears to be a random order and do not reflect the items specified by Appellant.
 - c. Appellant failed to properly identify the items in the Index of the Record on Appeal pursuant to Rule 210(e).
 - d. The pagination in Appellant's Index in the Record on Appeal does not match the documents bates stamped within the Record on Appeal.
 - e. Appellant included portions of the Transcript from the Circuit Court, however the Transcript was not in order, and did not include the Transcript in its entirety.
 - f. Appellant failed to properly paginate the Record on Appeal. Appellant's Record on Appeal is in no discernable order and cannot be used as a reference for the requisite Final Briefs pursuant to Rule 211(b)(1).

15. As a result of the improper format of the Record on Appeal, Respondent cannot properly prepare a Final Brief.

WHEREFORE, Respondent prays for an order dismissing the appeal based on Appellant's failure to properly paginate the Record on Appeal as set forth above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'B. Crawford', written over a horizontal line.

B. LINDSAY CRAWFORD, III
THEODORE VON KELLER, SC BAR NO. 5718
B. LINDSAY CRAWFORD, IV
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ATTORNEYS FOR RESPONDENT

Columbia, South Carolina

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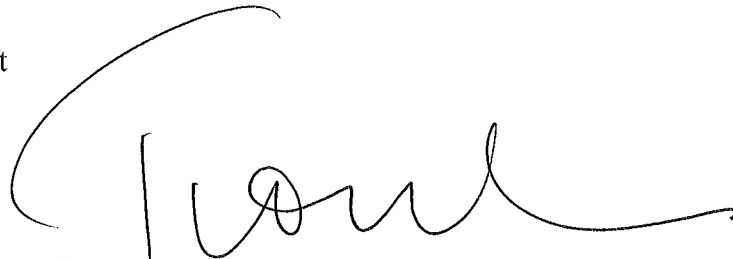
Glenfield Apartments

..... Respondent.

PROOF OF SERVICE

I certify that I served Respondent's Second Motion to Dismiss Appeal in this case by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Jacquita Funchess
1303 Glenfield Circle Apartment
Apartment J2
Orangeburg, SC 29118



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