

**RECEIVED**

**Jun 24 2021**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM THE CITY COUNCIL  
OF THE CITY OF ANDERSON, SOUTH CAROLINA

---

Case No. 2020-CP-04-01809  
Appellate Case No.: 2021-000285

---

**MOATS CONSTRUCTION, INC.** ..... Appellant,

v.

**CITY COUNCIL OF THE CITY OF ANDERSON** ..... Respondent.

---

RETURN TO APPELLANT’S MOTION FOR EXTENSION OF TIME  
TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER

---

The City hereby opposes the Appellant’s Motion for Extension of Time to File Initial Brief and Designation of Matter, which was served upon undersigned counsel on June 21, 2021, based upon the following:

The Appellant’s Notice of Appeal is dated March 15, 2021, and it appears the transcript was requested by letter dated March 19, 2021.<sup>1</sup> Rule 207(a)(2) of the S.C. Appellate Court Rules (“SCACR”) requires the court reporter to “transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request,” and

---

<sup>1</sup> The Appellant’s letter to the court reporter, a copy of which is attached hereto, requests “a copy of the hearing transcript from February 8, 2021 hearing before the Honorable R. Scott Sprouse.”

Rule 208(a)(1) requires the Appellant to file and serve the Initial Brief “[w]ithin thirty (30) days after receiving the transcript.” Rule 209 requires the Appellant to file and serve a Designation of Matter with the Initial Brief.

The Appellant’s Motion acknowledges that an e-transcript of the proceeding below was received on April 23, 2021. Based thereon, Appellant’s deadline for filing and serving the Initial Brief and Designation of Matter was May 24, 2021. Appellant’s Motion for Extension of Time, filed four (4) weeks later on June 21, 2021, appears to be based primarily on the fact that Appellant did not receive a “hard copy of the transcript.” However, the Appellate Court rules do not require that the court reporter provide a hard copy but require only that “[t]he court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request,” which the court reporter did. (See Rule 207(a)(2).)

SCACR 208(a)(4) states that “[u]pon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court *shall* sign an order dismissing the appeal, and the appeal *shall not* be reinstated except as provided by Rule 260.” (Emphasis added.) SCACR 260 provides that “[w]henver it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk *shall* issue an order of dismissal, which shall have the same force and effect as an order of the appellate court” and that “[a] case *shall not* be reinstated except by leave of the court, upon good cause shown, after notice to all parties.” (Emphasis added.) The Respondent would submit that the Appellant has not shown good cause as to its failure to file its Initial Brief and Designation of Matter or, in the very least, file a Motion for Extension within the thirty (30) day time period established by Rule 208(a)(1).

Based thereon, the Respondent hereby objects to and opposes the Appellant's Motion for Extension of Time and respectfully requests that this appeal be dismissed as required by Rules 208(a)(4) and 260.

By: s/Stacey Todd Coffee  
Stacey Todd Coffee (SC Bar No. 6525)  
Logan & Jolly, L.L.P.  
1805 North Boulevard  
Post Office Box 259  
Anderson, SC 29622  
(864)226-1910

J. Franklin McClain (SC Bar No. 3735)  
401 South Main Street  
Anderson, SC 29624

Attorneys for Respondent City of Anderson

Anderson, South Carolina  
Date: June 24, 2021

# GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.\*  
C. David Beale, Jr.\*

Reply to:  
2309 Devine Street  
Columbia, South Carolina 29205

111-B Congress Street  
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)  
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)  
Fax (803) 635-2100

Email: [jgoodwyn@goodwynlaw.com](mailto:jgoodwyn@goodwynlaw.com)  
[dbeale@goodwynlaw.com](mailto:dbeale@goodwynlaw.com)  
Web: [www.goodwynlaw.com](http://www.goodwynlaw.com)

\*Also Licensed in Georgia

March 19, 2021

Mona L. Manley  
P.O. Box 474  
Fair Play, SC 29643  
[mmanley@sccourts.org](mailto:mmanley@sccourts.org)

**RE: *Moats Construction, Inc. v. City Council of the City of Anderson***  
*Civil Action No.: 2020-CP-04-01809*  
*Our File No.: 3000-0519*

Dear Ms. Wallace:

This letter is to request a copy of the hearing transcript from February 8, 2021 hearing before the Honorable R. Scott Sprouse in regard to the above referenced matter as soon as possible.

Thank you for your assistance with this request and should you have any questions, please do not hesitate to contact me.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG/msb

cc: SC Court of Appeals  
Anderson County Clerk of Court  
SC Court Administration  
The Honorable R. Scott Sprouse  
J. Franklin McClain, Esquire

**RECEIVED**

**Jun 24 2021**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM THE CITY COUNCIL  
OF THE CITY OF ANDERSON, SOUTH CAROLINA

---

Case No. 2020-CP-04-01809  
Appellate Case No.: 2021-000285

---

**MOATS CONSTRUCTION, INC.** ..... Appellant,

v.

**CITY COUNCIL OF THE CITY OF ANDERSON** ..... Respondent.

---

CERTIFICATE OF SERVICE

---

The undersigned hereby certifies that a copy of the Return to Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter was served via electronic mail and by first class mail, postage prepaid this 24<sup>th</sup> day of June, 2021, upon the following:

C. David Beale, Jr.  
T. Jeff Goodwyn, Jr.  
2519 Devine Street. Suite A  
Columbia, SC 29205

J. Franklin McClain  
City of Anderson, SC  
401 S. Main Street  
Anderson, SC 29624

June 24, 2021

s/Stacey Todd Coffee  
Stacey Todd Coffee, #6525  
LOGAN & JOLLY, LLP  
Post Office Box 259  
Anderson, SC 29622  
(864)226-1910  
Attorney for Respondent