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Oct 18 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Lee County  
Kristi F. Curtis, Circuit Court Judge

Appellate Case No: 2019-000131

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Benita Dinkins-Robinson,

Appellant,

vs.

Alan Ratner,

Respondent.

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MOTION TO DISMISS

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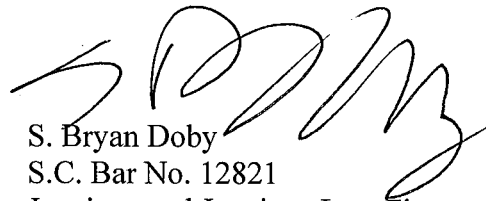
Respondent, through his undersigned counsel, requests that the Court dismiss Appellant's case because Appellant has failed to comply with the rules of the court in the following ways:

1. The Record on Appeal does not include page numbers. Because there are no page numbers, I am unable to cite to it in my Final Brief. S.C. Court of Appeals Rule 210(c).
2. The Record on Appeal does not include all documents from my Designation of Matters to be Included. The Special Referee's Order is missing from the Record on Appeal. *Id.* 209, 210(c).
3. Appellant failed to organize the required documents in the Record on Appeal in compliance with the rules of this court. *Id.* 210(c).

4. Appellant's Final Brief differs from Appellant's Initial Brief in material and significant ways. Rule 211(b) of the court states that a Final Brief shall be identical to an Initial Brief, except for references and grammatical errors. Appellant has changed her final brief far beyond the scope of this rule.
5. Appellant's Final Brief was not timely filed. Rule 211 states that a final brief shall be filed within twenty (20) days of service of Record on Appeal. Appellant's Record on Appeal was served on September 20, 2021. Appellant's Final brief was, therefore, due to the court no later than October 11, 2021. Appellant's Final brief, which was not in compliance with court rules, was filed on October 12, 2021, beyond the deadline established by the rules of the court.
6. Appellant has not filed a Final Brief that is in compliance with the rules of this court and, thus, I believe that the time is still tolling on the Final Brief deadline. This would result in Appellant's Final Brief being four (4) days late and counting as of the date of this motion.

Rule 260 of this Court states that the clerk shall issue an order of dismissal in the event that any party fails to comply with the rules of the court. Appellant has failed to comply with the rules of the court for the previously stated reasons and, therefore, I respectfully move that this Court issue said order.

October 18, 2021



S. Bryan Doby  
S.C. Bar No. 12821  
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1 Courthouse Square  
Bishopville, South Carolina 29010  
(803) 484-5454  
Attorney for Respondent

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THE STATE OF SOUTH CAROLINA  
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APPEAL FROM LEE COUNTY  
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

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Case No. 2019-000131

Benita Dinkins-Robinson,

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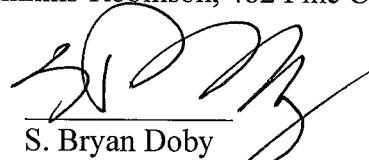
Respondent.

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PROOF OF SERVICE

I certify that I have served Benita Dinkins-Robinson with the Respondent's Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on October 18, 2021, addressed to her address of record, Benita Dinkins-Robinson, 482 Pine Crest Street, Camden, South Carolina 29020.

October 18, 2021



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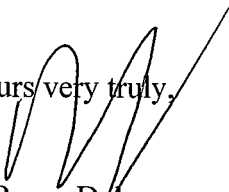
Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
Po Box 11629  
Columbia, SC 29211

Re: Benita Dinkins-Robinson  
Appellate Case No. 2019-000131  
Our File No. 18-7268

Dear Madam Clerk,

I have uploaded my motion to dismiss and proof of service to the dropbox. This letter is to inform you that a fifty dollar (\$50) check has been mailed to the Court of Appeals for the filing fee. I have enclosed a short cover letter with the check listing the case number and other identifying information.

Yours very truly,

  
S. Bryan Doby  
Jennings and Jennings, P.A.  
PO Box 106  
Bishopville, SC 29010  
(803) 484-5454  
ATTORNEY FOR RESPONDENT

SBD/mch  
CC/ Ms. Benita Dinkins-Robinson  
482 Pine Crest Street  
Camden, SC 29020