

**RECEIVED**

**Oct 20 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
9<sup>th</sup> Judicial Circuit Court Judge

---

S.C. Court of Appeals Case No. 2020-000968  
Circuit Court Case No. 2002-CP-10-1448  
and after change of venue:  
Circuit Court Case No. 2007-CP-10-1444

---

C. Holmes, M.D,

Respondent-Appellant,

v.

Manton Grier, James Y. Becker, and  
Haynsworth Sinkler Boyd, P.A.,  
as successor to Sinkler & Boyd, P.A.,

Appellant-Respondents.

---

**Motion to Dismiss and  
Motion to Hold All Time Limits in Abeyance**

---


Chalmers Johnson  
PO Box 1575  
Port Orchard, WA 98366  
425.999.0900  
For Respondent

Respondent-Appellant hereby moves that the Appellant-Respondent's appeal be dismissed on the grounds that the Record on Appeal (ROA) has not been timely served. According to the S.C. Rules of Appellate Procedure, the Record on Appeal must be served by the Appellant on each party who has served a brief within 30 days of the filing of the last brief: "(a) Time for Service. Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief. Proof of service of the Record shall be immediately filed with the clerk of the appellate court." Rule 210 SCRAP. The Court dismissed the Respondent's cross appeal on February 4, 2021. The Respondent's initial brief was filed on September 29, 2020. Appellant did file a motion to dismiss Dr. Holmes' cross appeal, which asked the Court to hold deadlines in abeyance. The decision on that motion was final on August 6, 2021. The cross appeal was dismissed, which means that the Appellant was not expected to file a responding brief and the abeyance on deadlines expired. Calculating from final decision dismissing the cross appeal (August 6, 2021), the Record on Appeal should have been served on Respondent by September 5, 2021 (30 days from the final decision). It is now October 20, 2021. The Appellant has neither served the record on appeal, nor requested any extension. Pursuant to Rule 210, SCACR, the ROA is untimely. Because Appellant-Respondent failed to timely serve the ROA and timely file certificate of service, the appeal should be dismissed.

### **Conclusion**

For the reasons stated, Respondent- Appellant respectfully requests dismissal of the appeal and requests this Court hold all deadlines in abeyance pending resolution.

Respectfully submitted,



Chalmers Johnson  
PO Box 1575  
Port Orchard, WA 98366  
425.999.0900  
For Respondent

October 20, 2021

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

Oct 20 2021

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
9<sup>th</sup> Judicial Circuit Court Judge

S.C. Court of Appeals Case No. 2020-000968  
Circuit Court Case No. 2002-CP-10-1448  
and after change of venue:  
Circuit Court Case No. 2007-CP-10-1444

C. Holmes, M.D,

Respondent-Appellant,

v.

Manton Grier, James Y. Becker, and  
Haynsworth Sinkler Boyd, P.A.,  
as successor to Sinkler & Boyd, P.A.,

Appellant-Respondents.


PROOF OF SERVICE

I certify that on this date I have served a copy of the foregoing on the Respondents via email:  
Caskey, Mary" <mcaskey@hsblawfirm.com>,  
"Eldridge, Mary Cothonneau" <meldridge@hsblawfirm.com>,  
"Weston, Lizzie" <lweston@hsblawfirm.com>, A copy of the sent email is attached.

I certify that I have served a copy of the foregoing by depositing a copy of it in the United States Mail, postage prepaid, to opposing counsel of record:

Mary M. Caskey  
Mary Cothonneau Eldridge  
Clara Elizabeth Weston  
Haynesworth Sinkler Boyd, PA  
PO Drawer 11889  
Columbia, SC 29211

Date: October 20, 2021

  
Chalmers Johnson  
PO Box 1575  
Port Orchard, WA 98366  
425.999.0900

**Chalmers Carey Johnson, Esq.**  
2965 Beach Drive, East  
PO Box 1575  
Port Orchard, WA 98366  
(425) 999-0900  
[chalmersjohnson@gmail.com](mailto:chalmersjohnson@gmail.com)

**RECEIVED**  
**Oct 20 2021**  
**SC Court of Appeals**

October 20, 2021

South Carolina Court of Appeals  
Attn: Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211

Fax: (803) 734-1839

Re: Holmes v. Haynsworth Sinkler Boyd, et al.  
Appeal No. 2020-000968  
Case No. 2007-CP10-01444

Dear Clerk of Court:

Please find the attached for filing in the above-referenced appeal in this case. The filing fee is enclosed. Please do not hesitate to contact me with any questions.

Sincerely,

  
Chalmers C. Johnson

Enclosures: Motion to dismiss, Proof of Service, Check for \$50.00

Cc:

Caskey, Mary" <[mcaskey@hsblawfirm.com](mailto:mcaskey@hsblawfirm.com)>,  
"Eldridge, Mary Cothonneau" <[meldridge@hsblawfirm.com](mailto:meldridge@hsblawfirm.com)>,  
"Weston, Lizzie" <[lweston@hsblawfirm.com](mailto:lweston@hsblawfirm.com)>,

Mary M. Caskey  
Mary Cothonneau Eldridge  
Clara Elizabeth Weston  
Haynesworth Sinkler Boyd, PA  
PO Drawer 11889  
Columbia, SC 29211