

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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NOV 18 2021
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Administrative Law Court

The Honorable Milton G. Kimpson, Administrative Law Judge

Appellate Case No. 2021-001167

Melissa Diann McFerrin Appellant,

v.

South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety. Respondents.

Of Whom the South Carolina Department of Motor Vehicles is Respondent.

MOTION TO DISMISS

Pursuant to Rule 260, SCACR, the Respondent South Carolina Department of Motor Vehicles (SCDMV) moves for dismissal of this appeal due to Appellant’s failure to perfect its appeal and comply with this court’s deficiency letter issued October 18, 2021.

The Notice of Appeal in this case was filed on or about October 13, 2021. On October 18, 2021, Deputy Clerk of Court notified Appellant’s Counsel of his failure to file a proof of service showing service upon the Administrative Law Court pursuant to Rule 203(b)(6), SCACR. The deficiency letter advised Appellant’s Counsel the

“deficiency must be corrected within ten (10) days of the date of this letter or the appeal will be dismissed.” As of the filing of this motion to dismiss, Respondent has received no correspondence indicating that Appellant has complied with the court’s deficiency letter issued October 18, 2021.

Thus, due to Appellant’s failure to perfect its appeal and correct the deficiency, Respondent SCDMV moves for dismissal of this appeal with prejudice.



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Deputy General Counsel
CURTIS R. HUTCHINSON, SC Bar # 78834
Assistant General Counsel
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Assistant General Counsel
South Carolina Department of Motor Vehicles
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Counsel for the Respondent

November 12, 2021
Blythewood, South Carolina

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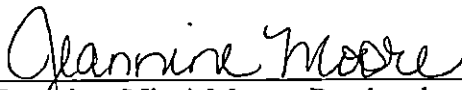
South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety Respondents.

Of Whom the South Carolina Department of Motor Vehicles is Respondent.

PROOF OF SERVICE

PURSUANT TO SCACR, I HEREBY CERTIFY that today, November 12, 2021,
I served one (1) copy of the Respondent's Motion to Dismiss by depositing with the
United States Postal Service, correct postage prepaid, to Counsel for the Appellant at the
address indicated below:

C. Rauch Wise, Esquire
305 Main Street
Greenwood, South Carolina 29646



Jeannine (Nina) Moore, Paralegal
Office of General Counsel

Blythewood, South Carolina

Henry McMaster
Governor



Kevin A. Shwedo
Director

State of South Carolina
Department of Motor Vehicles

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SC Court of Appeals

November 12, 2021

The Honorable Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: *Melissa Diann McFerrin v. South Carolina Department of Motor Vehicles*
Appellate Case No: 2021-001167

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced action, please find the original and seven (7) copies of Respondent South Carolina Department of Motor Vehicles' Motion to Dismiss. As evidenced by the attached Certificate of Service, I am serving the parties with a copy of same. Please file the original and return a copy to me with an affixed clerk's date of filing in the enclosed self-addressed stamped envelope.

Thank you for your cooperation in this matter.

In kind regards,

A handwritten signature in cursive script that reads "Jeannine Moore".

Jeannine (Nina) Moore, Paralegal
Office of General Counsel

Enclosures

cc: Mr. Clarence Rauch Wise, Esquire



South Carolina Department of Motor Vehicles

Post Office Box 1498
Blythewood, South Carolina 29016

MV-17

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South Carolina Department of Motor Vehicles

P.O. Box 1498
Blythewood, S.C. 29016

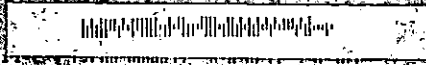
Form 103

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