



The South Carolina Court of Appeals

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May 03, 2013

The Honorable Connie Reel-Shearin
180 N Irby St MSC-E Rm B11
Florence SC 29501-3456

REMITTITUR

Re: Morgan, Jay v. James Lee Properties
Lower Court Case No. 2009CP2101934
Appellate Case No. 2010-170786

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Sandra Morgan
Jay Morgan
Gary Ivan Finklea

The South Carolina Court of Appeals

Jay and Sandra Morgan, Appellants,

v.

James Lee Properties LLC, Respondent.

Appellate Case No. 2010-170786

ORDER

This appeal was dismissed on December 6, 2011, for failure to provide proof of service of Appellants' Final Brief and failure to correct the Record on Appeal and Appellants' Final Brief. Appellants filed a petition to reinstate on December 22, 2011. Because Appellants had not corrected the Record on Appeal, this court issued an order on January 24, 2012, allowing Appellants an additional twenty days "to correct the Record on Appeal to bring it into compliance with Rule 210 and 267 of the South Carolina Appellate Court Rules and to include all matters designated by Respondent." On March 3, 2012, this court granted Appellants an additional twenty days to correct the record. Appellants did serve and file an amended Record on Appeal in April 2012, but the record did not include Respondent's designations of matter. Thereafter, on June 19, 2012, this court granted Appellants twenty days to serve and file a Record on Appeal that "contains *all* matters designated by both parties to be included in the Record on Appeal." This court subsequently granted Appellants' motion for an extension, and denied Appellants' request for Respondent's assistance in preparing the Record on Appeal, noting "it is Appellants' burden to compile the Record on Appeal." Appellants have now served and filed an amended Record on Appeal, but the record still does not include Respondent's designations of matter.

We note that this appeal has been in dismissal status since December of 2011 and this court has given Appellants ample opportunities to serve and file a Record on Appeal that includes Respondent's designations of matter. We find that any additional extensions would be unduly prejudicial to Respondent. *See Georganne*

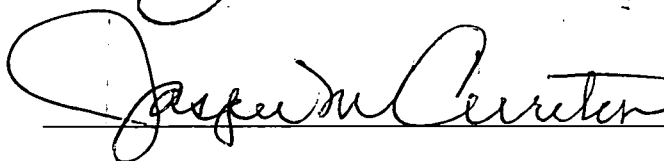
Apparel, Inc. v. Todd, 303 S.C. 87, 90, 399 S.E.2d 16, 18 (1990) (affirming the trial court's dismissal of the case and stating, "[t]here is a limit beyond which the court should allow a litigant to consume the time of the court and to prolong unnecessarily time, effort, and costs to defending parties"). Because Appellants have failed to serve and file a Record on Appeal that complies with Rule 210 of the South Carolina Appellate Court Rules, Appellants' petition to reinstate, which we construe as a petition for rehearing, is denied.



C.J.



J.



A.J.

Columbia, South Carolina

cc:
Sandra Morgan
Gary Ivan Finklea

FILED
