

**RECEIVED**  
**Jul 18 2022**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Jennifer McCoy, Circuit Court Judge

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Appellate Case No. 2021-001183

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Joe Clemons,..... Appellant,

v.

Peggy H. Pinnell Agency, Inc., Peggy H. Pinnell Insurance Agency Inc.,  
State Farm Life Insurance Company, (jointly and severally liable),  
..... Respondents.

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**RESPONDENTS' MOTION  
REQUESTING THE APPELLANT AMEND  
THE RECORD ON APPEAL**

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By: s/Charles R. Norris

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*Attorneys for Respondents*

Charleston, South Carolina

July 18, 2022

Respondents, Peggy H. Pinnell Insurance Agency Inc.<sup>1</sup> and State Farm Life Insurance Company, file this Motion requesting the Appellate Court require Appellant, Joe Clemons, to file an Amended Record on Appeal that complies with the Appellate Court Rules. Specifically, Appellant needs to file a Record on Appeal which includes all parties designations, otherwise the Respondents cannot file a final brief which properly references the Record on Appeal. In the alternative, Respondents request the Appellate Court allow the Respondents to attach the missing designations relied upon in their argument to their Final Brief. The Respondents further request for the court stay any deadlines to file final briefs until the Appellate Court has ruled on this motion.

Respectfully submitted,

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<sup>1</sup> There is only Peggy H. Pinnell Insurance Agency, Inc.

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**MEMORANDUM IN SUPPORT OF RESPONDENTS’  
MOTION REQUESTING THE APPELLANT AMEND  
THE RECORD ON APPEAL**

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## ARGUMENT

### **I. Clemons' Should be Required to Amend the Record on Appeal to Include all Designated Matters, or in the Alternative the Respondents Should be Allow to Attach all Matters Relied Upon in the Designations to the Respondents Final Brief.**

The Appellate Court rules are not mere technicalities but provide the parties and the Court with an orderly mechanism through which to guide appeals in this State. *Henning v. Kaye*, 307 S.C. 436, 437-38, 415 S.E.2d 794, 794 (1992). “The Record on Appeal shall include all matter designated to be included by any party.” Rule 210(c), SCACR. A party must certify the Record on Appeal contains all materials proposed to be included by any of the parties. Rule 210(g), SCACR. “The references in the initial brief shall be revised to indicate where the material appears in the Record on Appeal.” Rule 211(b)(1), SCACR.

Here, the Amended Record on Appeal submitted by Clemons does not include any matters included in Defendants’ Designation of Matter or multiple items listed in his Designation of Matter. Without the documents identified in the parties’ designations included in the Record on Appeal, the Respondents cannot include citations to the Record on Appeal for documents they have used to support their argument in their final brief.

The Amended Record on Appeal filed with Clemons Motion to Amend the Record on Appeal on May 13, 2022 does not contain the following items designated by the parties:

1. Plaintiff’s Motions
  - a. February 16, 2021
  - b. June 18, 2021
  - c. April 16, 2021
2. Transcript of January 11, 2021 hearing pgs. 5, 6, 9-11, and 17
3. Trial Transcript pg. 1, 89-91, 97, 142, 160-162, 200, 208-210, 231, 243-253, and 330
4. Defendant’s Exhibits 3, 4, 5, and 6

**CONCLUSION**

For the foregoing reasons, Respondents respectfully requests this Court order Clemons to file an amended Record on Appeal that complies with the Appellate Court Rules, or in the alternative, allow the Respondents to attach to their Final Brief the designated matters relied upon in their argument that were erroneously excluded from the Record on Appeal.

Respectfully submitted,

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..... Respondents.

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**PROOF OF SERVICE**

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I certify that I have served the **RESPONDENTS' MOTION REQUESTING THE APPELLANT AMEND THE RECORD ON APPEAL** on Appellant by electronic service on July 18, 2022, as reflected on email attached hereto and as referenced below:

Joe Clemons, Pro Se  
[clemonswelding1@gmail.com](mailto:clemonswelding1@gmail.com)

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*Attorneys for Respondent*

Charleston, South Carolina  
July 18, 2022

## Traci Corallo

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**From:** Traci Corallo  
**Sent:** Monday, July 18, 2022 2:18 PM  
**To:** clemonswelding1@gmail.com  
**Cc:** Charles Norris; Kori A. McGraw  
**Subject:** Clemons v. Peggy H. Pinnell Agency, Inc., et al. - Appellate Case No. 2021-001183  
**Attachments:** 2022.07.18 Clemons - Respondants' Motion Requesting the Appellant Amend The Record on Appeal.pdf; 2022.07.18 Clemons - Proof of Service - Motion requesting appellant amend record on appeal.pdf

Attached please find the following documents for service upon you:

- Respondents' Motion Requesting the Appellant Amend the Record on Appeal
- Proof of Service

Thank you.



**Traci Corallo**

*Administrative Assistant* | **WHELAN MELLEN & NORRIS, LLC**  
(561) 351-0967 | [whelanmellen.com](http://whelanmellen.com)