

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge  
John C. Few, Circuit Court Judge

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Appellate Case No. 2012-212137

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South Carolina Public Interest Foundation, Edward D. Sloan, Jr., Robert M. Lloyd, individually and as taxpayers of the City of Greenville, SC, and on behalf of others similarly situated,..... Appellants/Respondents,

v.

City of Greenville and Mayor Knox H. White.....Respondent/Appellant.

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**APPELLANTS/RESPONDENTS' RETURN TO PETITION  
TO AMEND THE RECORD ON APPEAL**

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**RECEIVED**  
JUN 06 2013  
**SC Court of Appeals**

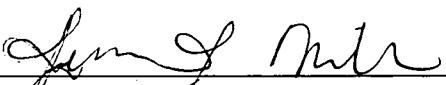
Appellants-Respondents apologize for the inadvertent submission of the last 20 pages of the Record on Appeal, and the omission of the two documents that were intended to be included. We will have the Supplemental Record on Appeal including those three documents delivered an Amended original Record on Appeal deleting the last 20 pages within 5 days and will send our representative to will remove those pages from the bound copies of the Record on Appeal as well.

Appellant/Respondent's counsel, Jim Carpenter received the letter of May 13, 2013 while counsel Jennifer Miller was out of town from May 10-16 and it was inadvertently misplaced in

an attempt to forward it to Ms. Miller. Mr. Carpenter had also been away from the office some of that week and the week prior with his father's imminent death (May 24, 2013), which is also relevant to this inadvertent lack of response.

The emails from Kathleen Kempe to Ms. Miller and Mr. Carpenter attached as Exhibit K were inexplicably never received by us. (Mr. Carpenter did receive an email that same day from Ms. Kempe's assistant on May 22, 2013 with an April 18 letter attached (which we had already received and responded to), but the May 13, 2013 letter which had been misplaced was not attached (Exhibit A).

May 30, 2013



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Jennifer J. Miller, Esq  
S.C. Bar No. 18611  
THE CARPENTER LAW FIRM, PC  
819 E. North St.  
Greenville, South Carolina 29601  
(864) 235-1269  
Attorneys for Appellant

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v.

City of Greenville, Mayor Knox H. White, and The Cliffs at Glassy, Inc., Defendants, Of Whom City of Greenville and Mayor Knox H. White are the Respondents/Appellants,.....Respondents/Appellants.

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**PROOF OF SERVICE**

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The undersigned attorney hereby certifies that she caused to be served the Return to Petition to Amend the Record on Appeal upon counsel for the Respondents by US Mail, postage prepaid, this Thursday, May 30, 2013, addressed as follows:

Kathleen Kempe  
City Attorney's Office  
P.O. Box 2207  
Greenville, SC 29602  
February 11, 2013

**RECEIVED**

JUN 06 2013

**SC Court of Appeals**



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Jennifer V. Miller, Esq.,  
S.C. Bar No. 13116  
CARPENTER LAW FIRM, PC  
819 E. North St.  
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L. WARREN CLAYTON, III  
warren.clayton@carpenterlawfirm.net

\*LICENSED IN S.C. & N.C.

May 30, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of SC Court of Appeals  
1205 Pendleton St.  
Columbia, SC 29201

Re: **Record on Appeal**  
*South Carolina Public Interest Foundation et al. v. City of Greenville, et al*  
Civil Action No. 2008-CP-23- 2255

Dear Ms. Kitchings:

Appellant Respondent encloses its Return to Petition to Amend the Record on Appeal and proof of service for the same.

If we may provide further assistance, please contact me.

Sincerely yours,  
THE CARPENTER LAW FIRM, PC

Jennifer J. Miller

RECEIVED  
JUN 06 2013  
SC Court of Appeals

Enclosures  
CC w/enclosures: City Atty. Kathleen Kempe

# **Exhibit A**

## Jennifer Miller

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**From:** Jim Carpenter [james.carpenter@carpenterlawfirm.net]  
**Sent:** Wednesday, May 22, 2013 11:05 AM  
**To:** 'jennifer miller'  
**Subject:** FW: 1009-007: COMBINED APPEAL (Sloan) SC Pub. Interest, et al. v. City, et al. / Letter to Jennifer Miller regarding Record on Appeal (sloan)  
**Attachments:** 73386\_1.doc

JJM,

See below. What's the issue here?

Jim

-----Original Message-----

**From:** Nadiya Myers [<mailto:nmyers@greenvillesc.gov>]  
**Sent:** Wednesday, May 22, 2013 8:25 AM  
**To:** [james.carpenter@carpenterlawfirm.net](mailto:james.carpenter@carpenterlawfirm.net); Kathleen Kempe  
**Subject:** 1009-007: COMBINED APPEAL (Sloan) SC Pub. Interest, et al. v. City, et al. / Letter to Jennifer Miller regarding Record on Appeal (sloan)

Letter to Jennifer Miller regarding Record on Appeal (sloan)

Email messages sent to and from the City of Greenville may be subject to discovery under the S.C. Freedom of Information Act.

April 18, 2013

Jennifer Miller  
Attorney at Law  
The Carpenter Law Firm, P.C.  
819 East North Street  
Greenville, SC 29601

Re: *COMBINED APPEAL (Sloan) SC Pub. Interest, et al. v. City, et al.*  
2008-CP-23-2255  
Appellate Case No.: 2012-212137

Dear Jennifer:

Pursuant to your request, I have enclosed a filed copy of Respondents'/Appellants' Initial Brief and Designation of Matter. It is my understanding that the Record on Appeal is due to be served on May 6, 2013, since the last brief was filed with the Court on April 4, 2013. If you have a different understanding please let me know.

I will be leaving the country on April 29, 2013 and will not return until May 13, 2013. Since the Court Rules requires that that you verify that the attorneys both agree on the Record on Appeal, I wanted you to know my schedule. If it is possible to get it done before I leave, that would be wonderful. Please let me know.

Sincerely,

Kathleen G. Kempe  
Assistant City Attorney  
KGK/tbg

Enclosures

cc: Jenny Abbott Kitchings, Clerk, South Carolina Court of Appeals (w/o encls.)