

Ritchie, Sierra

From: Drew Radeker <Drew@harrisonfirm.com>
Sent: Tuesday, February 28, 2023 2:47 PM
To: Margaret A. Collins, Attorney; Lizzy Moore, Attorney; Ritchie, Sierra; Allen, Claire
Cc: Bill Padget; Rhonda Schaub; debbie@salleylawfirm.com; Caitlynn Havird
Subject: RE: Owens v. South Market, 2020-000054: Record on Appeal Issue

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Meg, you didn't designate it. I'm not supposed to do it for you.

Thank you.

Drew Radeker



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From: Margaret A. Collins, Attorney <meg@pslawsc.com>
Sent: Tuesday, February 28, 2023 2:43 PM
To: Drew Radeker <Drew@harrisonfirm.com>; Lizzy Moore, Attorney <lizzy@pslawsc.com>; Ritchie, Sierra <siritchie@sccourts.org>; Allen, Claire <CAllen@sccourts.org>
Cc: Bill Padget <bill@hhplawgroup.com>; Rhonda Schaub <Rhonda@harrisonfirm.com>; debbie@salleylawfirm.com; Caitlynn Havird <caitlynn@hhplawgroup.com>
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Drew

It is a matter of candor to the court that you failed to include a memo of law relied upon by the judge in his ruling. That's all. It is duplicative of the briefs. We were just a little taken back you included YOUR record but excluded ours. No issue and we are ready for Monday.

But I remind you, the appellant, what was to be included:

(c) Content. The Record on Appeal shall in by any party under Rule 209 and shall comp Record shall not, however, include matter w or tribunal. Matter contained in the Record (

Sincerely,

Margaret A. Collins

PALMETTO STATE LAW GROUP

Margaret A. Collins | *Managing Attorney*

[2241 Bush River Road, Columbia, SC 29210](https://www.pslawsc.com)

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From: Drew Radeker <Drew@harrisonfirm.com>

Sent: Tuesday, February 28, 2023 2:33 PM

To: Lizzy Moore, Attorney <lizzy@pslawsc.com>; Ritchie, Sierra <siritchie@sccourts.org>; Allen, Claire <CAllen@sccourts.org>

Cc: Bill Padget <bill@hhplawgroup.com>; Margaret A. Collins, Attorney <meg@pslawsc.com>; Rhonda Schaub <Rhonda@harrisonfirm.com>; debbie@salleylawfirm.com; Caitlynnne Havird <caitlynnne@hhplawgroup.com>

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Lizzy:

Caldera did not file a memorandum at all. South Market's memorandum was not filed with an affidavit or other factual material, so it's not as though there's some portion of the factual record that's missing.

I'd appreciate it if you would stop trying to make it look like I'm trying to hide something from the court. I'm not.

You didn't designate this for inclusion in the record on appeal. Indeed, you didn't serve a designation at all. Don't blame that on me.

The record on appeal included all the designated matter. The briefs are all done now. Respectfully, you don't get to change the record on appeal six days before oral argument.

Thank you.

Drew Radeker



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From: Lizzy Moore, Attorney <lizzy@pslawsc.com>
Sent: Tuesday, February 28, 2023 2:17 PM
To: Drew Radeker <Drew@harrisonfirm.com>; Ritchie, Sierra <siritchie@sccourts.org>; Allen, Claire <Callen@sccourts.org>
Cc: Bill Padget <bill@hhplawgroup.com>; Margaret A. Collins, Attorney <meg@pslawsc.com>; Rhonda Schaub <Rhonda@harrisonfirm.com>; debbie@salleylawfirm.com; Caitlynn Havid <caitlynn@hhplawgroup.com>
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We were under the impression that the Appellant would want to provide the full record, and would have included the memo as you including the supporting affidavit, instead of intentionally leaving it off.

Lizzy Moore | Associate Attorney/Social Media Director
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If you feel unwell OR if you have any of the symptoms associated with a flu or other respiratory problem, we ask that you notify our office before coming in. We will be glad to reschedule or otherwise arrange your appointment so that you can recover and so that we can protect our office from unnecessary exposure to illness.

From: Drew Radeker <Drew@harrisonfirm.com>
Sent: Tuesday, February 28, 2023 2:06 PM

To: Lizzy Moore, Attorney <lizzy@pslawsc.com>; Ritchie, Sierra <siritchie@sccourts.org>; Allen, Claire <CAllen@sccourts.org>

Cc: Bill Padget <bill@hhplawgroup.com>; Margaret A. Collins, Attorney <meg@pslawsc.com>; Rhonda Schaub <Rhonda@harrisonfirm.com>; debbie@salleylawfirm.com; Caitlynne Havird <caitlynne@hhplawgroup.com>

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Lizzy, I do not see where these documents were ever designated for inclusion in the record on appeal. If they were designated and I missed it, please show me the designation that included them.

Thank you.

Drew Radeker



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From: Lizzy Moore, Attorney <lizzy@pslawsc.com>

Sent: Tuesday, February 28, 2023 2:01 PM

To: Ritchie, Sierra <siritchie@sccourts.org>; Allen, Claire <CAllen@sccourts.org>

Cc: Drew Radeker <Drew@harrisonfirm.com>; Bill Padget <bill@hhplawgroup.com>; Margaret A. Collins, Attorney <meg@pslawsc.com>; Rhonda Schaub <Rhonda@harrisonfirm.com>; debbie@salleylawfirm.com; Caitlynne Havird <caitlynne@hhplawgroup.com>

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Good Afternoon:

While preparing for the Oral Arguments that are to take place Monday, it appears that 2 Memos have been omitted from the Record on Appeal. Defendant South Market drafted a Memo in Support of Motion to Dismiss, and I believe Defendant Caldera also drafted one. The only thing of the South Market's memo that made it into the ROA was the supporting Affidavit. Plaintiffs/Appellants Memo also made it in.

Please advise on how we should proceed to remedy this, if it is possible to remedy at this late date.

Sincerely,

Lizzy Moore | Associate Attorney/Social Media Director

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