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**Feb 28 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
Appellate Case No. 2022-000805

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

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Case No. 2019-CP-10-06567

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Lonnie Hamilton, III and Zoe'Lia L. Culbreath, Appellants,

v.

301 Auto Parts, LLC, Respondent.

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RESPONDENT'S MOTION TO AMEND THE RECORD ON APPEAL  
AND TO AMEND ITS DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL

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February 28, 2023

P. Gunnar Nistad  
Seibels Law Firm, PA  
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Attorney for Respondent

Respondent 301 Auto Parts, LLC, by and through its undersigned counsel, hereby moves the Court to amend the Record on Appeal and to amend its Designation of Matter to be Included in the Record on Appeal. This Motion is made pursuant to Rule 210(c), SCACR, Rule 240, SCACR and Rule 267, SCACR.

Appellants filed their Record on Appeal on February 8, 2023. It has come to the attention of counsel for Respondent that Appellants have failed to include Plaintiffs' Complaint filed December 20, 2019 and Defendant's Answer to Complaint filed February 14, 2020 in their Record on Appeal. These documents were referenced in Respondent's Designation of Matter to be Included in the Record on Appeal filed on November 22, 2022. Rule 210(c), SCACR requires in relevant part that "The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267."

Additionally, Respondent would move to Amend the Respondent's Designation of Matter to be Included in the Record on Appeal. Respondent has discovered that it failed to include Appellants' Motion to Amend, the Order Granting the Motion to Amend, and the Notice of Appeal in its Designation of Matter to be Included in the Record on Appeal, even though they were cited in the Respondent's Initial Brief. Respondent's Amended Designation of Matter to be Included in the Record on Appeal is being filed in conjunction with this Motion. If granted, Respondent would respectfully request that the Appellants include these matters in the Amended Record on Appeal or that the Court allow Appellants to file a Supplemental Record on Appeal.

Therefore, Respondent respectfully requests that this Court grant the Motion to Amend the Record on Appeal to include the above documents referenced in Respondent's Designation of Matter to be Included in the Record on Appeal and to allow for an Amended Designation of Matter to be filed with those additional matters to be included in the Record on Appeal or

permission to file a Supplemental Record on Appeal. Finally, Respondent requests that all deadlines be held in abeyance until such time as these Motions are ruled upon.

Respectfully submitted,

February 28, 2023

/s/ P. Gunnar Nistad  
P. Gunnar Nistad  
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Attorney for Respondent

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PROOF OF SERVICE OF RESPONDENT'S MOTION TO AMEND  
THE RECORD ON APPEAL AND TO AMEND ITS DESIGNATION  
OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

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I certify that I have served Respondent's Motion to Amend the Record on Appeal and to Amend Its Designation of Matter to be Included in the Record on Appeal on the Appellants' attorney of record, Thomas S. Tisdale, whose email address is listed in the South Carolina Attorney Information System as [tst@chancellorsc.com](mailto:tst@chancellorsc.com), via electronic mail and U.S. Mail to their office located at 4 North Atlantic Wharf, Suite 100, Charleston, South Carolina, on February 28, 2023.

February 28, 2023

s/P. Gunnar Nistad  
P. Gunnar Nistad, S.C. Bar No. 12042  
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*Attorney for Respondent*

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February 28, 2023

**RECEIVED**  
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**SC Court of Appeals**

**VIA E-FILING AND U.S. MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Lonnie Hamilton, III, and Zoe'Lia L. Culbreath, Appellants v. 301 Auto Parts, LLC, Respondent  
Appellate Case No.: 2022-000805  
Our File No.: 6329-79

Dear Ms. Kitchings:


I am the attorney of record for the Respondent in the above referenced appeal. Please find attached for filing the following:

1. Respondent's Motion to Amend the Record on Appeal and to Amend its Designation of Matter to be Included in the Record on Appeal;
2. Respondent's Amended Designation of Matter to be Included in the Record on Appeal;
3. Proof of Service of this Motion and the Amended Designation of Matter to be Included in the Record on Appeal to counsel for Appellants; and
4. \$50.00 filing fee by mail to the Court of Appeals.

Thank you for your attention to this matter.

Sincerely,

**The Seibels Law Firm, PA**



P. Gunnar Nistad

PGN/khm  
Enclosures

cc: Thomas S. Tisdale, Esquire (w/enclosure via email and U.S. Mail) [tst@chancellorsc.com](mailto:tst@chancellorsc.com)