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March 2, 2023

Sent Via Email (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
1220 Senate Street, Columbia, SC 29201
Columbia, SC 29211

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Mar 02 2023

SC Court of Appeals

Re: Vasile Florin Craus v. NUTRA Manufacturing, Inc., et al.
Appellate Case No. 2021-000778

Dear the Honorable Ms. Kitchings:

Please allow this letter to serve as a request for clarification on how Respondents are to proceed with properly filing our final brief in the above captioned case. As a matter of background:

- On May 6, 2022, this Court sent correspondence to Appellant, instructing Appellant to file the record on appeal pursuant to Rule 210, SCACR, within 30 days. According to C-Track, Appellant filed proof of service with this Court, but Appellant failed to file the record on appeal as instructed.
- Although Appellant failed to file the record on appeal with this Court as instructed, Appellant emailed Respondents a document titled "Record on Appeal" on June 3, 2022—however, the document emailed to Respondents failed to comply with Rule 210(C) and 209, SCACR, in that Appellant failed to include any and all matter set forth in Respondents' designation of matter dated March 17, 2022.
- On June 20, 2022, Respondents filed a motion to compel Appellant to comply with Rules 201(C) and 209, SCACR, controlling the filing of the Record on Appeal. Specifically, Respondents' motion asked this Court to compel Appellant to file a record containing the matters included in Respondents' designation of matter dated March 17, 2022.
- On August 9, 2022, Appellant filed a Record on Appeal with this Court. Appellant's August 9, 2022, Record on Appeal included five (5) designated matters and was numbered pages 1-220. Again, Appellant failed to include in the record any of the matters set forth in Respondents' March 17, 2022, designation of matter.

- On September 13, 2022, this Court issued an Order granting Respondents' motion to compel and instructing Appellant to "serve and file a supplemental record on appeal that included all matters that were omitted from the record Appellant filed on August 9, 2022. Namely, the supplemental record should include Respondents' designated matters 4 through 12, and 15 through 28."
- On November 8, 2022, Appellant served a second record on appeal, which included twenty-three (23) designated matters and was numbered pages 1 through 402. Appellant's November 8, 2022, filing was labeled as an "Amended" record on appeal on C-Track.
- On November 28, 2022, Respondents filed a motion to dismiss the appeal. Respondents' motion was based on several arguments, including but not limited to, Appellant's failure to comply with this Court's instructions on filing the supplemental record on appeal. Respondents' motion was denied by this Court on February 28, 2023, and the parties were instructed to file and serve all final briefs within twenty days of the date of the order.

At this time, Respondents respectfully request clarification on how to properly cite the August 9, 2022, record on appeal and the November 8, 2022, "amended" record on appeal, since both records begin with page 1 and therefore contain duplicative numbering. Moreover, each volume of documents include different documents, but with shared numbering. For example, if Respondents include a citation for "(P.40)" in their final brief, this would implicate two different documents—one document numbered page 40 in Appellant's first submission is a different document than what is included and labeled as page 40 in the second submission. Therefore, Respondents are seeking instruction from this Honorable Court on how to proceed to ensure compliance with the applicable South Carolina Appellate Court Rules for submission of a final brief when the current documents submitted do not feasibly allow for the same.

Thank you for your attention to this matter, and I look forward to receipt of your response.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.



John Gabriel Coggiola

JGC/jgc

cc: Mr. Vasile Florin Craus (via email)