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**Mar 23 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM FAIRFIELD COUNTY  
In The Circuit Court

Brian M. Gibbons, Circuit Court Judge

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Appellate Case No. 2022-000987

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Saint Luke Baptist Church,

Respondent,

v.

Rayshawn Terry,

Appellant.

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MOTION FOR GUIDANCE ON RECORD ON APPEAL,  
TO FILE OUTSIDE TIME  
and FOR EXTENSION OF TIME

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Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellant, by his counsel herein, moves this Court for an order on guidance on the Record on Appeal, allowing him to file outside time and granting him an extension of time as to the Record on Appeal, on the grounds stated below:

1. Counsel for Appellant has worked diligently to produce the Record on Appeal herein. He notes that the Record, even without the matter questioned in his e-mail to counsel for Respondent, is the most sizable he has dealt with in over forty years of appellate work. He also pleads the press of business and another hospital stay as a reason for delay.
2. Counsel for Appellant attaches and references the Respondent's Designation of Matter to be included in the Record on Appeal.
3. As noted in the attached and incorporated e-mail of this date, a computer crash has removed from his computer two discovery documents added to the Record on Appeal by the Respondent.

4. Counsel for Appellant has also requested counsel for Respondent to clarify the extent of their added documents, since a full inclusion would add some 589 pages and 3 audio files to the Record on Appeal. Those documents were not, in any event, presented in whole to the Circuit Judge by either party. On this basis, counsel for Appellant does not understand their full inclusion to be relevant to this appeal.
5. To this end, counsel for Appellant requests guidance as to whether his full response to discovery is required in this appeal, to file the Record on Appeal outside time, and an extension of time as to the matters above for a period of twenty (20) days.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant herein moves this Court to be allowed to file outside time and for an extension of time to file the Record on Appeal, as set out above, pursuant to Rule 240 and 263(b), S.C.A.C.R.

/s/ John Martin Foster  
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803 324-8100  
Attorney for Appellant  
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March 23, 2023

Rock Hill, South Carolina

Other Counsel of Record:

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Attorneys for Respondent

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Jan 03 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY

Court Of Common Pleas

The Honorable Brian M. Gibbons, Circuit Court Judge

Case No.: 2021-CP-20-00024, Circuit Court  
Appeals Court Docket No.: 2022-000987

Saint Luke Baptist Church ..... Respondent,

v.

Rayshawn Terry.....Appellant.

**RESPONDENT’S DESIGNATION OF MATTER**


In addition to those materials previously designated by the Appellant, Respondent Saint Luke Baptist Church proposes the following matters to be included in the Record on Appeal in addition to those items previously designated by the Appellant. (Respondent assumes that the designated affidavits and motions/memoranda include any attachments filed with the Court.)

1. Plaintiff’s First Set of Interrogatories to Defendant, June 10, 2021.
2. Plaintiff’s First Set of Requests for Production to Defendant, June 10, 2021. ✓
3. Defendant’s Answers to Plaintiff’s First Set of Requests for Production, October 11, 2021.
4. Defendant’s Answers to Plaintiff’s First Set of Interrogatories, October 11, 2021.
5. Form 4, April 6, 2022, signed by Judge Brian M. Gibbons.

I certify that this designation contains no matter which is irrelevant to this appeal.

[Signature Block Next Page]

Respectfully Submitted,

By:   
Charles J. Boykin (SC Bar #65149)  
Kenneth A. Davis (SC Bar #66416)  
Imani Newborn (SC Bar #101820)

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Attorneys for Respondent Saint Luke Baptist  
Church

January 3, 2023  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**SC Court of Appeals**

APPEAL FROM FAIRFIELD COUNTY

Court Of Common Pleas

Brian M. Gibbons, Circuit Court Judge

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Appellate Case No.: 2022-000987

Saint Luke Baptist Church ..... Respondent,

v.

Rayshawn Terry ..... Appellant.

**PROOF OF SERVICE**

I certify that I have served the **RESPONDENT'S DESIGNATION OF MATTER** on the counsel of record listed below, by electronic mail and U.S. Mail a copy of same on January 3, 2023, addressed to:

Martin Foster, Esq.  
P.O. Box 106  
Rock Hill, SC 29731-6106

By: 

Charles J. Boykin (SC Bar #65149)  
Kenneth A. Davis (SC Bar #66416)  
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inewborn@boykinlawsc.com

Attorneys for Respondent Saint Luke Baptist Church

St Luke Baptist v Terry Appeal  
**Subject:** St Luke Baptist v Terry Appeal

**From:** John Martin Foster <jmfoster@comporium.net>

**Date:** 3/23/23, 11:06

**To:** "Kenneth A. Davis" <kdavis@boykinlawsc.com>, "cjboykin@boykinlawsc.com" <cjboykin@boykinlawsc.com>, inewborn@boykinlawsc.com

Mr. Davis, Mr. Boykin, Ms. Newborn:

The Court of Appeals is requiring the Record on Appeal be filed. Looking this over, I have two problems:

1) In your Designation of Matter, you added to the Record on Appeal your Interrogatories and Requests to Produce and our responses. I have our written responses, but cannot find your Interrogatories and Requests to Produce to us. This is apparently due to a computer crash we suffered. Your discovery requests are recited in our responses, if that is sufficient. Please resend your Interrogatories and Requests or advise if what we have will suffice.

2) You have added "Defendant's Answers to First Set of Request for Production". Again, our written response is available. Our response also referenced 589 pages and 3 audio files. Due to the bulk of this response, I did not retain a numbered list of those documents. If you wish the full response to be a part of the Record on Appeal, I must ask your to re-send me those items sent in response.

I am not trying to dictate your response to these requests, but I do note that, other than the items both sides put in front of the Circuit Court, these documents and audio files were not placed on record.

Thank you in advance for clarification of your Designation of Matter.

--

Martin Foster

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PROOF OF SERVICE

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I certify that I have served the Motion for Guidance on Record on Appeal, to File outside Time, and for an Extension of time, dated March 23, 2023, on the following counsel or persons of record:

Kenneth A. Davis  
kdavis@boykinlawsc.com  
Charles J. Boykin  
cjboykin@boykinlawsc.com  
Imani Nicole Newborn  
innewborn@gmail.com

by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section (b)(2) of the Order of the Supreme Court dealing with Electronic Filing and Service issued May 6, 2022, or

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262, S.C.A.C.R.

/s/ John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731  
803 324-8100  
Attorney for Appellant

March 23, 2023

Rock Hill, South Carolina