



June 13, 2013

Office of the City Attorney

South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Attention: Amelia

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

Dear Amelia:

Please allow this letter to confirm my understanding of my conversation with Monica on May 30, 2013 with regard to the Motion to Amend the Record on Appeal that we filed on May 24, 2013. I spoke with Monica because you were out of the office on May 30, 2013. I asked Monica whether I needed to file an extension of time to file final briefs. Monica responded that if there were items in our Designation of Matter which were not included in the Record on Appeal and we filed the motion prior to the time the final briefs were due, we do not need to file a motion for extension of time to file final briefs.

Additionally, she stated that in her experience, the Court will rule on the motion and that motion will contain instructions and deadlines. I confirmed with Monica that the Appellants/Respondents have 10 days from date of service of our motion to file a Reply; then Court will rule. The clock would not start back ticking until the Court enters an order on our Motion to Amend Record on Appeal.

Therefore, my understanding is that I should wait to receive a response to my motion. Please let me know whether my understanding is correct.

Sincerely,

Kathleen G. Kempe
Assistant City Attorney

KGK/nrm

cc: James G. Carpenter, Esq. (Attorney for Appellants/Respondents)

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JUN 17 2013

SC Court of Appeals



Office of the City Attorney

June 13, 2013

James G. Carpenter, Esquire
The Carpenter Law Firm, P.C.
819 East North Street
Greenville, SC 29601

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

Appellate Case No.: 2012-212137

Dear Mr. Carpenter:

I received your e-mail dated June 4, 2013 (a copy of which is attached), in which you stated, in response to the City's Motion to Amend Record on Appeal Pursuant to Rule 210(c), SCACR, what pages you were willing to remove from the Record on Appeal.

You stated you were unwilling to pay the expense of removing a document on pages 215-218 entitled "Plaintiff's Response to Motion to Alter or Amend Rule 59(e)," which was not filed with the lower Court, was not signed, and was not dated. You said leaving the pages in the Record on Appeal "unnoticed and unmentioned is the better way to go."

You then sent a member of your staff to Columbia, prior to my consent to leaving pages 215-218 in the Record on Appeal, to remove certain other pages.

I have not received any written confirmation from you or the Court of Appeals as to which pages were actually removed from the Record on Appeal.

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SC Court of Appeals

James G. Carpenter, Esquire
June 13, 2013
Page 2 of 2

Please provide that to me so that I can finalize my briefs in a timely fashion.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen G. Kempe". The signature is written in black ink and is positioned above the typed name and title.

Kathleen G. Kempe
Assistant City Attorney

KGK/nrm

Enclosure

cc: Jenny Abbott Kitchings,
Clerk, SC Court of Appeals

Kathleen Kempe

From: Jim Carpenter <james.carpenter@carpenterlawfirm.net>
Sent: Tuesday, June 04, 2013 1:33 PM
To: Kathleen Kempe
Subject: RE: Record on Appeal-Sloan

Kathleen,

I spoke to the deputy clerk of court who handles this file yesterday afternoon, before I sent Gordon down to Columbia. She said that if we take out, pages 216 to 17 that would require a renumbering of all the pages that follow that. I checked all of my briefs, and I do not cite or refer to anything from pages 215 to 218. It seems to me that leaving those pages in there unnoticed and unmentioned is the better way to go. Having paid to send someone down there one time to take out unnecessary pages, I'm not willing to incur that expense again, or the expense of renumbering all the pages and redoing the index.

I hope you be able to go along with this.

Jim

From: Kathleen Kempe [<mailto:kkempe@greenvillesc.gov>]
Sent: Tuesday, June 04, 2013 11:34 AM
To: james.carpenter@carpenterlawfirm.net
Subject: Record on Appeal-Sloan

Hello Jim,

Got your voice mail. If you want to just pull out page 216-7, that would be fine. At least it would indicate that the document is not necessary for the Judges.

Also, you might want to check Jennifer's mail (I understand she is on vacation) for a letter from the Court on another deficiency to correct.



Kathleen Kempe
Assistant City Attorney | City Attorney's Office
kkempe@greenvillesc.gov | www.greenvillesc.gov
PHONE: 864-467-4422



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

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