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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

RECEIVED
JUL 08 2013
SC Court of Appeals

Case Number: 2012-CP-02-00392

Marsha Temples..... Appellant

v.

Neil O. Plush..... Respondent

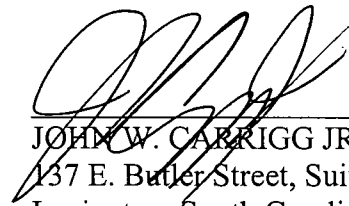
**APPELLANT'S MOTION TO AMEND HER DESIGNATION OF MATTER TO
BE INCLUDED IN THE RECORD ON APPEAL**

Appellant hereby moves to amend her designation of matter to be included in the record on appeal to include 11 subpoenas which were issued on February 26, 2009 under the signature of Respondent's attorney. Initially Appellant designated a one-page letter that referenced the subpoenas insofar as the content of the actual subpoenas is not relevant, only the fact they were issued. After Appellant designated this matter, Respondent objected and filed a motion to strike the designation and the reference in Appellants brief.

Appellant filed a return to Respondent's motion to which Respondent filed a reply. In Respondents reply, he for the first time raised the issue that the letter referenced in the designation of matter, which references the subpoenas at issue, is not under Rule 45 part of the "record" in the case. Appellant would concede that the letter is not part of

the record in the case; however, the subpoenas referenced in the letter clearly under Rule 45 are part of the record. Based upon the fact that Appellant sought to reference the subpoenas which clearly are part of the record in the case by designating the letter which has now drawn an objection from Respondent, Appellant would move to amend her designation of matter to be included in the record on appeal to designate the actual subpoenas issued by the Aiken County Court of Common Pleas under the signature of Respondent's attorney. This motion is based upon the fact that the ends of justice would be served by allowing said amendment which is timely presented immediately following Respondent's assertion of the issue.

7-2, 2013



JOHN W. CARRIGG JR.
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Attorney for Appellant

Other Counsel of Record:
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Attorney for Respondent

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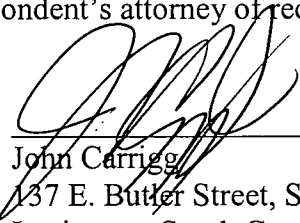
v.

Neil O. Plush..... Respondent

PROOF OF SERVICE

I certify that I have served the Appellant's Motion To Amend Her Designation of Matter To Be Included In The Record On Appeal by depositing a copy of it in the United States Mail, postage prepaid, on July 2, 2013, addressed to Respondent's attorney of record as detailed below.

July 2, 2013



John Carrigg
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(803) 785-5511
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July 2, 2013

The Honorable Jenny A. Kitchings, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Marsha Temples v. Neil O. Plush
Civil Action No.: 2012-CP-02-00392

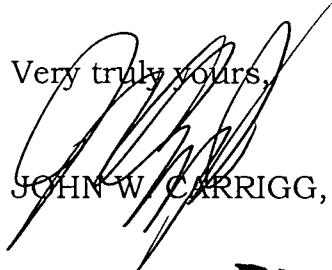
Dear Ms. Kitchings:

Enclosed for filing, please find the original and six (6) copies of the Appellant's Motion To Amend Her Designation of Matter To Be Included In The Record On Appeal along with the filing fee of \$25.00 dollars. Please file the original and return the clocked copies to our office in the self-addressed, postage prepaid envelope that I have provided for your convenience.

By copy of this letter I am serving same on the Respondent's counsel of record. Thank you for your assistance in this matter.

With highest regards, I remain

Very truly yours,


JOHN W. CARRIGG, JR.

JWC,jr./adr
Enclosure(s)

cc: Sonja R. Tate, Attorney at Law

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