

RECEIVED

Sep 12 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Roger M. Young Sr., Circuit Court Judge

Circuit Court Case No. 2019-CP-10-05392
S.C. Court of Appeals Case No. 2022-001795

Kevin Staveley-O-Carroll,

Appellant,

v.

Fenix Automotive, LLC

Respondent.

**MOTION TO AMEND DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL
AND
MOTION FOR EXTENSION TO SERVE RECORD ON APPEAL**

Appellant respectfully move this Court for leave to amend his Designation of Matter to Be Included in the Record on Appeal and for extension of time to serve the Record on Appeal. The motions are based on the following grounds:

1. With regard to the judgment at issue in the present appeal, the trial court had requested each party submit proposed orders of judgment. Defendant/Respondent submitted to the court by e-mail both an edited (with tracked changes visible) version of Plaintiff/Appellant's Proposed

Order of Judgment for Damages and a separate “clean copy” of the same reflecting his changes. In compiling the Designation of Matter to be Included in the Record on Appeal, Appellant designated Defendant’s Proposed Order of Judgment for Damages, but neglected to separately designate the edited (with tracked changes visible) version of the same document. The two versions are relevant to the issues and arguments on appeal and Appellant requests leave to amend the Designation of Matter to be Included on Appeal to separately designate the two versions of the document.

2. The Record on Appeal is due to be served on September 12, 2023. Appellant requests a corresponding extension of time to serve the Record on Appeal to include both versions of the above-mentioned document, should the Court grant Appellant’s motion to amend the Designation of Matter to be Included on Appeal.

WHEREFORE, the Appellant respectfully request that it have leave the to amend the Designation of Matter to be Included on Appeal, and for an extension of time to serve the Record on Appeal.

/s/ W. Westbrook Wills III
W. Westbrook Wills III (SC Bar No. 76681)
LAW OFFICE OF
W. WESTBROOK WILLS III
PO Box 822
Folly Beach, SC 29439
(843) 805-6300 (telephone)
(866) 922- 8596 (facsimile)
ATTORNEY FOR APPELLANT

Other counsel of record:

Damien A. Sobieraj, Esq.
Cooper River Legal Services, LLC
P.O. Box 2439
Mt. Pleasant, SC 29465
ATTORNEY FOR RESPONDENT

RECEIVED

Sep 12 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Roger M. Young Sr., Circuit Court Judge

Circuit Court Case No. 2019-CP-10-05392
S.C. Court of Appeals Case No. 2022-001795

Kevin Staveley-O-Carroll,

Appellant,

v.

Fenix Automotive, LLC,

Respondent.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Motion to Amend Designation of Matter to be Included in the Record on Appeal and Motion for Extension to Serve Record on Appeal upon the Respondent by e-mail and by depositing a copy in the United States Mail, postage prepaid, on September 12, 2023 addressed to Respondent's attorney of record, Damien A. Sobieraj, Esq., Cooper River Legal Services, LLC, P.O. Box 2439, Mt. Pleasant, SC 29465.

[Signature on following page]

/s/ W. Westbrook Wills III
W. Westbrook Wills III (SC Bar No. 76681)
LAW OFFICE OF
W. WESTBROOK WILLS III
PO Box 822
Folly Beach, SC 29439
(843) 805-6300 (telephone)
(866) 922- 8596 (facsimile)
ATTORNEY FOR APPELLANT

Other counsel of record:

Damien A. Sobieraj, Esq.
Cooper River Legal Services, LLC
P.O. Box 2439
Mt. Pleasant, SC 29465
ATTORNEY FOR RESPONDENT