

The Lake Law Firm, LLC

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Dietrich A. Lake

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July 17, 2013

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29211

RECEIVED
JUL 17 2013
SC Court of Appeals

Re: Joseph Williams v. Marie Wilson
Appellate Case No.: 2012-213449

Dear Ms. Kitchings:

Please note that opposing counsel graciously brought to my attention an error in pages 001 and 002 of the Record on Appeal in this case.

It appears that I provided a copy of the wrong Order and Supplemental Order. The Record on Appeal contains the Orders for Shawn Delaine; however the orders should have been for the Appellant.

I am respectfully requesting that I be allowed to substitute pages 001 and 002 in the Record on Appeal to reflect the correct Orders for the Appellant instead of Shawn Delaine. Please find enclosed a copy of the proposed substitute for pages 001 and 002. I did not realize this error until after the Record on Appeal had been submitted to the court and until after the Appellant's Final Brief and the Appellant's Final Reply Brief had been completed and copied for the Appellate Court.

The Appellant's Final Brief and the Appellant's Final Reply Brief are being filed today along with this letter to the court. These items were being filed over a week early because I am currently scheduled to be on vacation starting July 18, 2013 through the week of July 22, 2013. I am protected in Circuit court the weeks of July 22, 2013 and July 29, 2013. By my calculations, the final briefs are due on July 25, 2013, and this supplement to the record request would not stay the deadline for the final briefs. It would cause undue burden and expense to my client and me to have to change the index information to the record and recopy

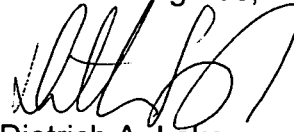
all of these documents. It would be more efficient to substitute the pages since pages 001 and 002 represent the front and back of one piece of paper. Neither Counsel for the Appellant or Counsel for the Respondent would have to alter their briefs again to accommodate this substitution.

Please be advised that opposing counsel has consented to allowing me to supplement the record. Pursuant to SCACR 212 (b), the Record on Appeal may be supplemented upon consent of all of the parties. Enclosed please find a copy of the letter providing consent.

If the Court is inclined to grant this request to substitute pages 001 and 002, then I will make myself available the week of July 29, 2013, to personally substitute these pages in the Record on Appeal. If the Court requires a hearing in this matter, please note that I will be out of state the week of July 22, 2013 and to notify me in writing of the date and time of this hearing.

I appreciate your consideration of this matter. By copy of this letter, I am serving opposing counsels with this letter.

With kind regards,



Dietrich A. Lake

Enclosures

cc (w/ encls.): Curtis L. Ott
 Laura W. Jordan

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Joseph Williams,
Plaintiff,
vs.
Marie Wilson,
Defendant.

ORDER
2011-CP-40-06156

JEANETTE W. McBRIDE
C.C.P. & G.S.

2012 NOV 14 PM 3:59

FILED

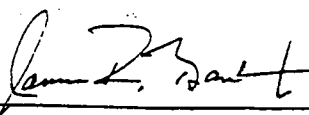
RICHLAND COUNTY

This action came before the court for a jury trial on Monday, November 5. The issues were tried and a verdict for actual damages rendered in favor of Plaintiff Joseph Williams in the amount of \$50,000.

Pursuant to Rule 59(d), the Court of its own initiative orders a new trial nisi remittitur to the amount of \$24,000 in the above referenced matter. This order is issued on the grounds that the jury's damages award of \$50,000 is unduly liberal. I find the amount of the verdict to be merely excessive.

IT IS HEREBY ORDERED that pursuant to Rule 59(d), the Court orders a new trial nisi remittitur to the amount of \$24,000 in this matter.

AND IT IS SO ORDERED.


James R. Barber III
Circuit Court Judge for Richland County

November 14, 2012.
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Joseph Williams,
Plaintiff,
vs.
Marie Wilson,
Defendant.

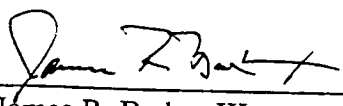
SUPPLEMENTAL ORDER
2011-CP-40-06156

FILED
2012 NOV 15 AM 9:18
JEANELLE W. McBRIDE
C.C.P. & G.S.

This Order is being issued to supplement the Order dated November 14, 2012 granting a new trial nisi remittitur to the amount of \$24,000 in the above referenced matter. Plaintiff has 10 days to elect either a new trial or the acceptance of the remittitur.

IT IS HEREBY ORDERED that Plaintiff has 10 days to elect either a new trial or the acceptance of the remittitur.

AND IT IS SO ORDERED.


James R. Barber III
Circuit Court Judge for Richland County

November 15, 2012.
Columbia, South Carolina

SCANNED



Gallivan, White & Boyd, P.A.
ATTORNEYS AT LAW

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July 16, 2013

VIA E-MAIL ONLY

Dietrich A. Lake
The Lake Law Firm
1034 Briargate Circle, Suite 201
Columbia, SC 29210

Re: *Joseph Williams v. Marie Wilson*
Appellate Case No.: 2012-213449
Circuit Court Case No.: 2011-CP-40-6156
GWB File No.: 8300-57

Dear Dietrich:

It was good to talk with you this morning. We appreciate your willingness to extend the time by ten (10) days for our client to respond to your July 9, 2013, settlement letter. We have calendared the new response deadline for July 29, 2013.

As I mentioned, pages 001 and 002 of the Record on Appeal appear to be the Delaine new trial nisi *remitter* orders, rather than the Williams orders. You have our consent to supplement the Record with the correct pages pursuant to SCACR 212(b), which permits you to supplement the Record on Appeal with the written consent of all parties. When the correct pages have been added to the Record, please provide us with the revised page numbers to include in our Final Brief.

You mentioned that you leave this Thursday, July 18 for vacation. It appears that the deadline for filing our Final Brief (which is next Thursday, July 25) will fall during your vacation time. To ensure that we are able to file our Final Brief by the current deadline, please confirm that you will supplement the pages before you leave. If you are unable to do so for some reason, please let me know so we can request an extension.

I hope you enjoy your time off. We look forward to hearing from you.

Very truly yours,

Laura W. Jordan

Direct Dial: 803-724-1710

E-Mail Address: ljordan@gwblawfirm.com

LWJ/sm