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Jan 03 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
CIRCUIT COURT

G. D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2022-001432

Michael Gene Putnam,.....Appellant,

v.

Robert Henry Purkerson,Respondent.

**APPELLANT’S RETURN TO RESPONDENT’S MOTION
TO EXCLUDE AND OBJECTIONS TO DESIGNATED FOR INCLUSION
IN THE RECORD ON APPEAL**

Appellant, by and through his undersigned attorney, responds to Respondent Robert Henry Purkerson’s (“Purkerson”) Motion to Exclude and Objections to Designated for Inclusion in the Record on Appeal as follows.

Purkerson raises objections to items #10 and #11, Purkerson’s Motion for Summary Judgment filed June 7, 2021 and the denial of this motion dated July 27, 2021. With the court’s granting of the prior motion to exclude items, it is Appellant’s position that he is free to modify his designation in light of the fact that the documents he relies on have been changed. Appellant submits that these documents are relevant to the appeal. If Appellant can not freely modify his designation, Appellant then moves the court to allow him to supplement his designation to include these documents.

With respect to items #27, a letter dated June 23, 2023 to the Court of Appeals related to Appellant's Motion for Leave to Amend not being withdrawn. Appellant contends that this letter is especially relevant to the appeal as it confirms that the lower court did not consider Appellant's Motion for Leave to Amend as being withdrawn. The letter is not presented a document the lower court based its ruling on, but simply clarifies an unclear procedural issue related to this motion and should be considered by the Court of Appeals.

For the reasons set forth above, this court should deny Respondent's motion.

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Attorneys for Appellant

Columbia, South Carolina
January 3, 2024

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APPEAL FROM GREENVILLE COUNTY
CIRCUIT COURT

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Case No. 2020-CP-23-01450
Appellant Case No.: 2022-001432

Michael Gene Putnam.....Appellant,

vs.

Robert Henry Purkerson.....Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Appellant’s Return to Respondent’s Motion to Exclude and Objections to Designated for Inclusion in the Record on Appeal on counsel for Respondent at the address below via email as shown, on January 3, 2024.

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Laura C. Tesh, Esquire
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SIGNATURE TO FOLLOW ON NEXT PAGE

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January 3, 2024

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** Of Counsel

January 3, 2024

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SC Court of Appeals

VIA EMAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Michael Gene Putnam v. Robert Henry Purkerson*
Appellate Case No.: 2022-001432
Our File No.: 3000-0743

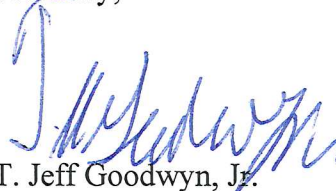
Dear Ms. Kitchings:

Enclosed for filing, please find the **Appellant's Return to Respondent's Motion to Exclude and Objections to Designated for Inclusion in the Record on Appeal** along with a Proof of Service in regards to the above referenced matter. Please return a filed copy of same to me via email.

As evidenced in the Proof of Service, I have served all interested parties with a copy.

Thank you for your attention to this matter and should you have any questions, please do not hesitate to contact me.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG:cnc

Enclosures

cc: Langdon Cheves, III, Esquire
Laura C. Tesh, Esquire
Michael Putnam