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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Honorable Daniel Coble, Circuit Court Judge

Appellate Case No. 2023-000460

Joe Clemons.....Appellant

v.

William S. Helmly/President & CEO of Home Telecom Co. Respondent

**RESPONDENT’S MOTION TO CORRECT RECORD ON APPEAL AND MOTION
FOR EXTENSION OF TIME TO FILE FINAL BRIEF**

Pursuant to Rule 210, Respondent requests that Appellant correct the Record on Appeal filed on December 14, 2023 to include all documents designated by Appellant on August 11, 2023 and designated by Respondent on September 11, 2023. Appellant later filed a revised Record on Appeal on December 15, 2023; however, that revised record is also deficient, in that it does not contain all documents designated by Appellant and Respondent. The following documents have not been included in the Record on Appeal:

1. Motion to Dismiss (November 16, 2022)
2. Response to Motion to Reconsider (March 3, 2023)
3. Order (March 10, 2023)
4. Documents filed (July 21, 2022)
5. Order (September 20, 2022)

6. Transcript of January 11, 2020 hearing
7. Trial testimony designated by Appellant
8. Defendant's Exhibits 3, 4,5, 6

Respondent requests that the Court order Appellant to correct the Record on Appeal or, in the alternative, to allow the Respondent to file an Amended Record on Appeal to include all documents designated by the parties.

Moreover, as a result of the deficient record filed by Appellant, Respondent cannot presently file a Final Brief in compliance with Rule 211, SCACR, as the Record does not contain the aforementioned documents, and Respondent therefore cannot provide complete references to the Record. Respondent therefore respectfully requests that the Court allow the parties twenty (20) days after a corrected and complete Record on Appeal is filed in order to file final briefs.

/s/ Robert E. Kneece III
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January 10, 2024

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