

The South Carolina Court of Appeals

Town of Hilton Head Island, Respondent,

v.

Kigre, Inc., Appellant.

Appellate Case No. 2012-213239

ORDER

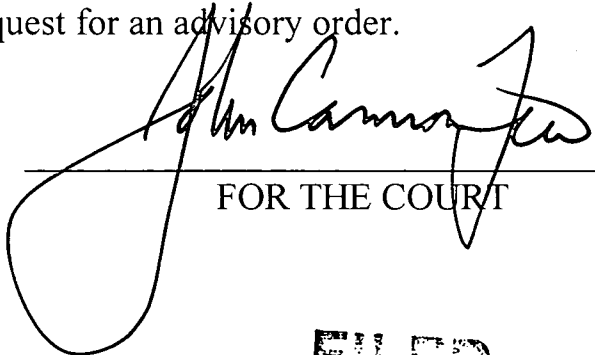
Respondent has filed a motion to supplement the Record on Appeal to include additional portions of the trial transcript and a letter dated January 30, 2012. Additionally, Respondent explains it inadvertently cited to deposition testimony not presented to the master-in-equity in its Amended Initial Brief, and it seeks to amend its Amended Initial Brief to cite to portions of the trial transcript rather than the deposition testimony.

Appellant opposes the request, asserting it would be prejudiced because it has already filed its Final Reply Brief and it would not be able to fully respond to Respondent's Initial Brief. Additionally, Appellant opposes the inclusion of the January 30, 2012 letter in the Record on Appeal, asserting it is barred by Rule 210, SCACR, because it was not presented to the master-in-equity. Finally, Appellant requests an order from this court advising the parties that the portions of the deposition testimony already included in the Record on Appeal will be ignored by this court on appeal because they were not presented to the master-in-equity.

We grant Respondent's request to amend its Amended Initial Brief. Within thirty days of this order, Respondent shall serve a Second Amended Initial Brief on Appellant. Respondent shall amend its brief only as requested in its motion, and shall not make any additional alterations. Appellant will then have ten days to serve any Amended Initial Reply Brief on Respondent.

Additionally, we grant Respondent's request to supplement the Record on Appeal with the relevant portions of the transcript. Within thirty days of the service of the last initial brief, Respondent shall serve a Supplemental Record on Appeal that includes the portions of the transcript referenced in Respondent's motion to supplement. The Supplemental Record on Appeal shall not include the letter dated January 30, 2012, because it was not presented to the master-in-equity.¹

Finally, we deny Appellant's request for an advisory order.



FOR THE COURT C.J.

Columbia, South Carolina

FILED

cc: Thomas Calvin Taylor
Gregory Milam Alford
Scott Matthew Wild

7-30-13 AS

¹ The master-in-equity's Amended Order Ending Case states it heard this case on December 8 and 9, 2010, and April 27, 2011.