

**From:** [Dennis Gallipeau](#)  
**To:** [Court Of Appeals Filings](#)  
**Subject:** Fwd: 2023-001005  
**Date:** Wednesday, January 24, 2024 9:55:03 AM  
**Attachments:** [431235.pdf](#)

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As we discussed on the phone.  
Thank you,  
Dennis Gallipeau

----- Forwarded message -----

**From:** **Stephanie Kellahan** <[Stephanie.Kellahan@mccabetrotter.com](mailto:Stephanie.Kellahan@mccabetrotter.com)>  
**Date:** Fri, Jan 19, 2024 at 4:29 PM  
**Subject:** RE: 2023-001005  
**To:** Dennis Gallipeau <[dennismgallipeau@gmail.com](mailto:dennismgallipeau@gmail.com)>

Mr. Gallipeau,

You are welcome to forward my email regarding your supplemental designation of matter and my consent to item 5 to the Court of Appeals as evidence of my consent.

My Motion to Compel is seeking any tangible evidence you have in your possession that is relevant to this case or that you intend to use at trial. While I understand that you are in the midst of moving, you have been aware that we were subject to being called to trial in this matter since at least October 30, 2022. I believe it was imperative upon you to ensure you had access to whatever items you needed for this litigation, including documents or items you intended to use at trial. Accordingly, I respectfully renew my request that you produce all items responsive to Request 1 and Request 5.

With respect to your request to depose Mr. Smith, I must respectfully decline. This matter has already been raised and ruled upon multiple times with the court stating that depositions will not be allowed in this matter.

I look forward to receipt of your requests to Request to Produce 1 and 5 as well as Defendant's interrogatory that was mailed to you on January 11, 2024.



McCABE, TROTTER & BEVERLY, P.C.

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**From:** Dennis Gallipeau <[dennismgallipeau@gmail.com](mailto:dennismgallipeau@gmail.com)>  
**Sent:** Friday, January 19, 2024 4:05 PM  
**To:** Stephanie Kellahan <[Stephanie.Kellahan@mccabetrotter.com](mailto:Stephanie.Kellahan@mccabetrotter.com)>  
**Subject:** Re: 2023-001005

Attorney Kellahan,

I appreciate you agreeing to consent to Item 5. The rest I will find a way to work around. So, would you be kind enough to email me a letter indicating your consent to including Item 5 to my Supplemental Designation so I can forward it to the Court.

I have reviewed your recent motion to compel. I think we could have worked that out without you having to file your motion. As for Request No. 1, I honestly do not know what additional documents you believe would be responsive to that request. Tell me what specific documents you want so I can determine if any such documents even exist. As for your Request No. 5, the only documents relevant to that request would be the documents I intend to use as evidence and again I do not know what documents I may or may not have that I would intend on submitting into evidence. Any such document(s) has/have already been produced and are part of the record already. Again, if you could be more specific as to what documents you are looking for that would help me. And here's something else you need to be mindful of; I moved out of my condo back in November. I hired a moving company to pack everything up and put it all in storage. I have been to the storage facility just once, looking for my DD214 and it looks like the guys from the moving company put all of those boxes in the very back of the storage room. I can't even get at those boxes. There are 2 big, heavy couches and a love seat, standing on end in front of all of those boxes and there are tables, lamps, and all sorts of things in front of the large pieces of furniture. I would have to hire some men to take all of that stuff, and I do mean ALL of it out of the storage room so I could get at the boxes in the back of the storage room. The moving company charges by the hour, \$150 per hour with a minimum of two (2) hours and I am not going to pay that amount of money just to see if there are any documents that may or may not be responsive to your requests. Your client waited almost **four (4) years** to file your motion to compel. I do not believe that it is even close to being 'timely' and I also believe that the best course of action as it relates to discovery and who will produce what at the trial is for us to agree to take depositions. You take mine and I take Smith's and if you wont agree to that I will file a motion asking the court for permission to depose Smith. I believe that I can now make the requisite showing under the rule for the court to order Smith's deposition, lets face it he's the one who raised all these new issues, almost **three (3) years** into this litigation. And what exactly is his legal name? Is a document signed with a nickname even legal in this state? I mean I know "this is South Carolina and we do things differently down here" and all that y'all crap but seriously, signing contracts with nicknames or middle names instead of one's legal name? Lets do depos ok?

Dennis

On Tue, Jan 16, 2024 at 11:09 AM Stephanie Kellahan  
<[Stephanie.Kellahan@mccabetrotter.com](mailto:Stephanie.Kellahan@mccabetrotter.com)> wrote:

Mr. Gallipeau,

I will consent to Item 5 of your Supplemental Designation of Matter as I believe that is the only matter presented to the tribunal below. See Rule 210(c), SCACR. Items 2 and 3 were not presented to the lower tribunal and therefore are not appropriate for inclusion in the Record on Appeal. I don't believe Item 4 is appropriate for inclusion in the Record on Appeal because these orders are more akin to case law that can be cited for the court's review without appending to the record itself.



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**From:** Dennis Gallipeau <[dennismgallipeau@gmail.com](mailto:dennismgallipeau@gmail.com)>

**Sent:** Tuesday, January 16, 2024 10:45 AM

**To:** Stephanie Kellahan <[Stephanie.Kellahan@mccabetrotter.com](mailto:Stephanie.Kellahan@mccabetrotter.com)>

**Subject:** 2023-001005

Attorney Kellahan,

I just got off the phone with my case manager at the court of appeals. Would you consent, in writing, to the recent filing of my Supplemental Designation of Matter to be Included in the

Record" dated December 3, 2023? It is very difficult for me given that all my property is in storage while my condo sells.

Thank you for your consideration.

Dennis Gallipeau

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