

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE RICHLAND COUNTY
COURT OF COMMON PLEAS

Maite Murphy, Circuit Court Judge

Case No.: 2022-CP-40-05570
Appellate Case No. 2023-001423

Alisha Baity, Aaron Baity, and Nolan Ambrose Baity.....Appellants,

v.

Geraldine Vanessa Myers-Moore.....Respondent.

**RESPONSE TO MOTIONS TO FILE AMENDED RECORD ON APPEAL
And FOR EXTENSION OF TIME TO FILE FINAL BRIEFS**

Respondent Vanessa Meyers-Moore responds as follows to Appellant’s motions to file an amended record on appeal and to extend the time to file final briefs:

1. Appellant’s counsel filed and served the final Record on Appeal on or about March 11, 2024. Rule 211(a), SCACR, requires final briefs to be filed and served within 20 days of service of the Record on Appeal, making final briefs due in this case on Monday, April 1, 2024.
2. Respondent’s counsel became aware that the Index page numbers did not coincide with the actual pagination in the Record on Appeal while finalizing her final brief on the evening of Thursday, March 28, 2024. Respondent’s counsel immediately notified Appellant’s counsel via email of the errors she discovered.

3. Appellant's counsel responded via email the next morning, Friday, March 29, 2024, that he would not object to Respondent's counsel requesting a 30-day extension to resolve the errors.
4. Respondent's counsel decided not to expend client funds on attorney fees and costs to prepare a motion for extension, and immediately phoned Appellant's counsel to discuss the matter. His staff advised that he was in a meeting and would return the call afterwards.
5. Appellant's counsel responded by email on Monday, April 1, 2024, at 3:46 P.M., that he was "filing a motion to amend the [R]ecord and to extend the time to file the final briefs."
6. However, because of the impending filing and service date for final briefs on Monday, and no response from appellant's counsel to resolve the issue, Respondent's counsel decided to use the Record served and spent the weekend matching the page numbers of that record with Respondent's Final Brief, got the copy bound, and filed it on April 1, 2024, before receiving Appellant's counsel's response that he was filing the said motions.
7. According to the Certificate of Service, Appellant's counsel served the within Motion to File an Amended Record, along with a Motion for Extension of Time for Both Parties' Counsel to File Their Final Briefs on April 2, 2024, after the due date for Final Briefs.
8. Respondent objects to amending the Record to change the current pagination because it would require her counsel to repeat the work already completed and

result in additional fees and expenses for Respondent. Respondent does not object to changing the Index to match the pagination of the current Record.

9. Respondent does not seek an extension of time to re-file her Final Brief for the same reason. To require otherwise would be burdensome and unfairly prejudicial to Respondent who timely filed and served her Final Brief.

For the foregoing reasons, Respondent respectfully requests that this Honorable Court limit any amendment of the Record to correcting the Index to match the pagination of the Record currently filed with the court, and deny the motion for extension of time to file final briefs.

Respectfully submitted,

s/ *Joyce Farr Cheeks*

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April 12, 2024

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Apr 12 2024

SC Court of Appeals

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CERTIFICATE OF SERVICE

I certify that I have served the Respondent's **RESPONSE TO MOTIONS TO FILE AMENDED RECORD ON APPEAL And FOR EXTENSION OF TIME TO FILE FINAL BRIEFS** on Alisha Baity, Aaron Baity, and Nolan Ambrose Baity by e-mail and by depositing a copy of the same in the United States Mail, postage prepaid, on April 12, 2024, addressed to their attorney of record, as follows:

T. Jeff Goodwyn, Jr.
Goodwyn Law Firm, LLC
2309 Devine Street
Columbia, S.C. 29205
jgoodwyn@goodwynlaw.com

/s/ *Joyce Farr Cheeks*

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April 12, 2024