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May 31 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Honorable Milton G. Kimpson, Administrative Law Judge

Appellate Case No. 2023-000441

Stephen Mueller Appellant,

v.

South Carolina Department of Health and Environmental Control and
Carla Varn DuPre and Jasper B. Varn, III, Respondents.

**RESPONDENTS’ SECOND JOINT MOTION TO CORRECT
DEFICIENCIES IN APPELLANT’S RECORD ON APPEAL**

TO: APPELLANT AND THE SOUTH CAROLINA COURT OF APPEALS:

PLEASE TAKE NOTICE that, in addition to the deficiencies noted in this Court’s May 31, 2024 letter to Appellant, the Respondents jointly move this Court to correct deficiencies in Appellant Stephen Mueller’s Record on Appeal (ROA).

The basis for this motion is that Appellant failed to number the ROA pages, thus preventing either party from complying with SCACR 211(b)(1) (i.e., referring to ROA page numbers in their Final Briefs).

SCACR 211(b)(1) states that “[t]he references in the initial brief shall be revised to indicate [in the Final Brief] where the material appears in the Record on Appeal.” This Rule then provides examples of how to reference the ROA in the Final Briefs and always includes page numbers. This

Court cannot efficiently review documents identified in the Final Briefs without the Appellant paginating the ROA as one document. Until this deficiency is corrected, the Respondents cannot submit their Joint Final Brief.

For the foregoing reasons, the Respondents jointly request that this Court compel the Appellant to correct this deficiency and hold the Final Brief deadline in abeyance until such corrections are made.

Respectfully submitted,

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May 31, 2024
Charleston, South Carolina

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CERTIFICATE OF SERVICE

I hereby certify that on this date I served RESPONDENTS' JOINT MOTION TO CORRECT DEFICIENCIES IN APPELLANT'S RECORD ON APPEAL upon the below-referenced attorneys and Appellant via U.S. Mail and electronic delivery to the email addresses of record below:

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Janet H. DeBruhl

Janet H. DeBruhl

May 31, 2024
Charleston, South Carolina



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SC Court of Appeals

May 31, 2024

Via email to ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate St.
Columbia, SC 29201

RE: Stephen Mueller v. SCDHEC and Carla Varn DuPre and Jasper B. Varn, III
Appellate Case No.: 2023-000441

Dear Ms. Kitchings:

Enclosed please find for filing *Respondents' Second Joint Motion to Correct Deficiencies in Appellant's Record on Appeal* in the above-referenced matter. By copy hereof, we are serving all parties of record as reflected on the Certificate of Service.

Very truly yours,

Bradley D. Churdar

Bradley D. Churdar
Associate Chief Counsel

Enclosures

BDC/jhd

cc: Stephen Mueller
Mary D. Shahid, Esquire
Angelica M. Colwell, Esquire