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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

G. D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2023-001497

Ronald Carl Cox Appellant,

v.

Michael John Dimmagio Respondent.

APPELLANT’S RETURN TO RESPONDENT’S MOTION TO DISMISS and MOTION TO AMEND RECORD ON APPEAL

The Appellant hereby responds to Respondent’s Motion to Dismiss and respectfully moves this Honorable Court, pursuant to Rule 210 of the South Carolina Appellate Court Rules (SCAR), for an order allowing an amendment to the Appellant’s Record on Appeal. This Appellant shows unto that counsel for the Appellants staff mistakenly failed to include the Respondent’s matter listed on the Record on Appeal. Recognizing this oversight, Appellant’s counsel steps to correct the error by formally requesting that this Court allow him to file an amended Record on Appeal. This amendment ensures compliance with the procedural requirements and presents a complete record for this Honorable Court’s consideration.

Pursuant to Rule 60 of the South Carolina Rules of Civil Procedure, which permits the correction of clerical mistakes and omissions arising from oversight, the Appellant respectfully requests that this Honorable Court accept the Appellant's Amended Record on Appeal submitted herewith. This amended is necessary to rectify an inadvertent omission and to ensure that this Honorable Court has a complete and accurate record for its review.

Attached hereto is the Appellant's amended Record on Appeal, which includes the previously omitted materials, for the Court's consideration.

For the foregoing reasons, the Appellant respectfully requests that this Honorable Court accepts the amended Record on Appeal and allow this case to proceed on its merits.

Respectfully submitted,

PETTUS | FARNSWORTH, LLC

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Attorney for Appellant

IN THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No.: 2023-001497

Ronald Carl Cox, III, Appellant,

v.

Michael John DiMaggio Respondent.

CERTIFICATE OF SERVICE

The undersigned paralegal of **PETTUS | FARNSWORTH, LLC**, counsel for the Appellant, does hereby certify that of the Appellant’s Return to Respondents Motion to Dismiss, Appellant’s Motion to Amend Record on Appeal, and Appellant’s Second Amended Record on Appeal in the above-captioned matter was sent by electronic mail and by placing same in the United States Mail, to the below listed address this the 6th day of January, 2025.

The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

/s/ Lauren O. Lipscomb
Senior Paralegal and Practice Manager to
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/s/ Lauren O. Lipscomb
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