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Jan 16 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT, YORK COUNTY

Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2024-0002719

Stephanie Kozak
(Personal Representative for the Estate of John Witkowski),

Appellant,

v.

Chris Cutway,

Respondent.

RESPONDENT'S RETURN TO
APPELLANT'S MOTION TO RECALL REMITTITUR AND TO ALLOW LATE FILING

Pursuant to Rule 240, SCACR, the Respondent, Chris Cutway ("Respondent"), hereby submits this *Respondent's Return to Appellant's Motion to Recall Remittitur and to Allow Late Filing* ("Return to Motion") in opposition to the Appellant's *Motion to Recall Remittitur and To Allow Late Filing* ("Motion") dated January 15, 2025.

In support of this *Return to Motion*, Respondent respectfully submits that this Court has previously granted the Appellant's motions for extension of time on multiple occasions—by

way of the Court's Orders dated (1) April 15, 2024; (2) May 24, 2024; (3) June 27, 2024; and (4) November 26, 2024. To date, however, the record on appeal in this matter remains deficient as a result of the Appellant's failure to serve and file the same properly.

Given the foregoing, Respondent respectfully requests that this Court deny the Appellant's Motion *in toto*.

Respectfully submitted,

AHN LAW FIRM, LLC

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Counsel for Respondent

January 16, 2025

Lake Wylie, South Carolina

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CERTIFICATE OF SERVICE

The undersigned certifies that on January 16, 2025, a copy of the foregoing *Respondent's Return to Appellant's Motion to Recall Remittitur and to Allow Late Filing* was filed with this Court and served upon all counsel of record in this matter, including the following, pursuant to the relevant Order of the Supreme Court¹:

John Martin Foster, Esq. (S.C. Bar #2086)
Email: jmfoster340@gmail.com
Attorney for Appellant

¹ Order, *RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022)*, Appellate Case No. 2020-000447, May 6, 2022.

This 16th day of January, 2025.

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