

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Case No. 2009-CP-07-6054
Appellate Case No. 2013-001407

Cynthia Griffis, Plaintiff,
v.
Cherry Hill Estates, LLC, Eugene
O'Neil and and Ronald Faulkner,
Defendants,
Of whom Cherry Hill Estates, LLC
and Ronald Faulkner are Appellants.
Cherry Hill Estates, LLC and
Ronald Faulkner, Third Party Plaintiffs,
v.
Anthony E. Griffis, Respondent.

MOTION TO AMEND INITIAL BRIEF AND INITIAL DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL

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Attorney for Appellants

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SC Court of Appeals

AND NOW COME the Appellants, Cherry Hill Estates, LLC and Ronald Faulkner, by and through undersigned counsel, pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully move for leave to amend their Initial Brief and Designation of Matter to be Included in Record on Appeal previously filed herein, and state as follows:

1. This Motion is filed and served contemporaneously with Appellants' Return to Respondent's Motion to Strike Certain Matters Designated by Appellants to be Included in the Record on Appeal, which Return is incorporated herein by reference.

2. Respondent's Motion raises several issues concerning the adequacy of citations set forth in Appellants' Initial Brief, as well as the clarity of descriptions set forth in the Designation of Matter to be Included in Record on Appeal. In particular, Respondent argues that matters numbered 15, 16, 17, 19, 20, 21, 22, 29 and 30 are not cited in Appellants' Initial Brief, and matters numbered 10, 11, 12, 13, 14 and 15 are not clearly identified.

3. As set forth in Appellants' Return, Appellants aver that matters not cited in their initial brief are nonetheless relevant to the herein appeal and therefore properly included in their Designation of Matter to be Included in the Record on Appeal.

4. Regarding matters numbered 15, 16, 17, 19, 20, 21, 22, 29 and 30: (a) matters numbered 16, 20, 22 and 29 are discussed in the Initial Brief; (b) matters numbered 19 and 30 preserve the record of certain arguments and/or evidence; (c) matters numbered 15 and number 17 may be redundant and unnecessary, and thus Appellants move to amend the Designation of Matter to remove matter number 15 and number 17.

5. Regarding matters numbered 10, 11, 12, 13, 14 and 15: (a) Appellants concur that matters numbered 12, 13, 14, and 15 can be more clearly identified in conformity with Rule

209(b), SCACR; and (b) Appellants aver that matters number 10 and 11 are neither ambiguous nor vague. To that end, Appellants move for leave to amend the Record on Appeal to include specific page references for the “excerpts” designated as matters numbered 12, 13, and 14.

6. To the extent that this Court’s review of Appellants’ Initial Brief may benefit from the inclusion of additional specific citations, Appellants’ request leave to amend their Initial Brief to include specific citation references to all matters referred to in the Designation of Matter to be Included in the Record on Appeal.

7. Appellants further move for leave to amend the Record on Appeal to include the following item that was erroneously excluded from the initial Designation of Matter: “Deposition Transcript of Ronald Faulkner, pages 10, 23, 37-39, 40-41, 57-59, 66, and 124.” These excerpts were in fact cited in the Initial Brief.

8. Regarding matter number 30, this matter is a Master’s Report of Sale which is a public court record of which Appellants request the Honorable Court take judicial notice.

9. Regarding matter number 18: Respondent’s Motion refers to this item in the introduction and conclusion, but makes no mention of it in any of his three arguments. It is therefore unclear why Respondent objects to the inclusion of this matter in the Record on Appeal. Appellants move that this matter is relevant, was properly preserved, and is properly included in the Record on Appeal.

10. Appellants further move for leave to amend their Initial Brief to clarify and correct typographical errors or omissions in certain citations made therein.

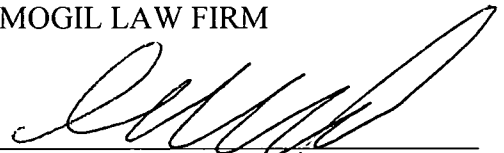
WHEREFORE the Appellants, Cherry Hill Estates, LLC and Ronald Faulkner, by

and through undersigned counsel move this Honorable Court for leave: (a) to amend the Initial Brief to include specific citation references to all matters listed in the Designation of Matter to be Included in the Record on Appeal; (b) to amend the Designation of Matter to be Included in the Record on Appeal to remove matter number 15 and number 17; (c) to amend the Designation of Matter to be Included in the Record on Appeal to include specific page references for the “excerpts” designated as matters numbered 12, 13 and 14; and for such other and further relief as this Court deems just and proper.

Dated: September 3, 2013

Respectfully Submitted,

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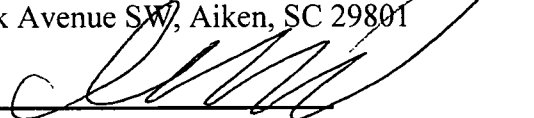
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PROOF OF SERVICE

I certify that I have served the Reply Brief of the Appellant, Designation of Matter to be Included in the Record on Appeal, Rule 209 Certification, Return to Motion, and Motion to Amend on Respondent Anthony E. Griffis, Esquire, Respondent *pro se*, by depositing a copy of it in the United States Mail, postage prepaid, on September 3, 2013, addressed to Mr. Griffis at 355 Park Avenue SW, Aiken, SC 29801

September 3, 2013


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