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May 27 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge

C/A No. 2018CP0202797
Appellate Case No. 2024-000079

Elroy D. Fischer, Jr., CD&F Interests, LLC, Howard Lumber Company, and the
Robert E. Pentecost Trust, Respondents,

vs.

South Carolina Department of Transportation, Appellant.

MOTION TO SUPPLEMENT RECORD ON APPEAL

Come now the Parties, consenting to and respectfully moving this Court, pursuant to Rule 212, SCACR, for an order granting the Parties leave to supplement the Record on Appeal.

Upon review of the Final Briefs of the respective Parties, it appears that the Appellants intended to include an additional three photographs, which were unknowingly not included in the original Record on Appeal. These photographs are referenced in the Final Brief of Appellant, and were discussed by the witnesses at the trial of this matter.

It further appears that the Respondents intended to include the respective Parties' arguments for directed verdict. These arguments are referenced in the Final Brief of Respondent, and the transcript of these motions was inadvertently not included in the Record on Appeal.

Attached as Exhibit A to this Motion is a Supplemental Designation of Matter to be Included in the Record on Appeal listing these three additional photographs and the transcript of the directed verdict motions.

Wherefore, the Parties respectfully request that this Court grant their motion.

Respectfully submitted,

McCANTS & McCANTS

s/ Clarke W. McCants, IV

Clarke W. McCants, IV

Post Office Box 2881

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(803) 649-6200

Attorney for Appellant

Dated: May 27, 2025

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SUPPLEMENTAL DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL

The Appellant proposes the following be included in an Appendix to the Record on Appeal:

1. 3 photographs of large-diameter pipe
2. Motions for directed verdict by the parties

I certify that this designation contains no matter which is irrelevant to this appeal.

Dated: May 27, 2025

McCANTS & MCCANTS

s/ Clarke W. McCants, III

Clarke W. McCants, III

Clarke W. McCants, IV

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PROOF OF SERVICE

I certify that I have served a copy of the Parties' Motion to Supplement the Record on Appeal upon Counsel for the Respondents by electronic mail to the e-mail address of record with AIS at tucker@playerlawfirm.com, on May 27, 2025.

McCANTS & McCANTS

s/ Clarke W. McCants, IV

Clarke W. McCants, IV

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Attorney for Appellant

Dated: May 27, 2025