

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Cynthia Graham Howe, Master in Equity

CASE NO. 2008-CP-26-7941

RECEIVED

OCT 23 2013

SC Court of Appeals

John Sherrill and Estate of Gaye Marie Reynolds..... Appellants

vs.

Gary Moore and Robert Moore Respondents

APPELLANTS' RESPONSE TO RESPONDENT'S
MOTION TO STRIKE CERTAIN MATTERS FROM
APPELLANTS' DESIGNATION OF MATTER

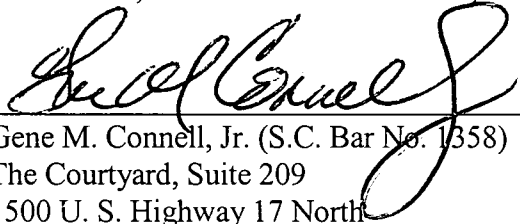
The Respondent objects to the inclusion of the Order Approving Wrongful Death Settlement dated May 22, 2008 (C/A No. 2003-CP-26-5790), the Confession of Judgment dated April 4, 2008 (C/A No. 2003-CP-26-5790) and the Horry County Public Index entitled *State v. Gary Robert Moore*. Respondent does not advise the Court in its Motion the appeal centers around an Order in supplemental proceedings which required a judgment as a precondition. The Court also has and can take judicial notice of what is in the Court's file. Hence, the Order Approving Wrongful Death Settlement dated May 22, 2008 (2003-CP-26-5790) and the Confession of Judgment dated April 4, 2008 (C/A No. 2003-CP-26-5790) and the Horry County Public Index entitled *State v. Gary Robert Moore* are clearly appropriate in the Record on Appeal. Appellants could not bring supplemental proceedings without a judgment. Accordingly, there is no violation of Rule 210 of the South Carolina

Rules of Appellate Procedure. Appellants' supplemental proceedings was based upon a judgment which all parties acknowledged at the supplemental proceedings before the Master-in-Equity. Clearly, if Appellants did not have a judgment, then Respondent's counsel would have objected that supplemental proceedings were unnecessary. As a result, the records in this case which Respondent objects to were not records in another proceeding, but were records by which this case was referred to the Master-in-Equity to execute on a judgment.

For the foregoing reasons, Appellants request that the Court deny Respondent's Motion in regard to Appellants' Designation of Matter.

Respectfully submitted,

KELAHER, CONNELL & CONNOR, P.C.



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Attorneys for Appellants

October 22, 2013
Surfside Beach, South Carolina.

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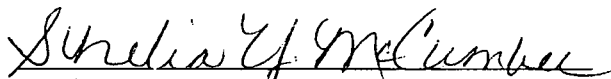
PROOF OF SERVICE

PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes and says that she is an employee of Kelaher, Connell & Connor, P.C., Attorneys at Law, and that she has served the **Appellants' Response to Respondent's Motion to Strike Certain Matters from Appellants' Designation of Matter** on the Respondents, through their attorneys of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

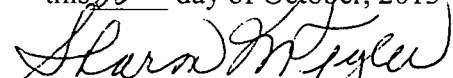
Kimberley Campbell
Attorney at Law
P. O. Box 760
Murrells Inlet, SC 29576

Cheevin T. "Lex" Gardner
Gardner Law Office
5400 Hwy. 17 South
Myrtle Beach, SC 29575

DATE OF MAILING: October 22, 2013


Shelia Y. McCumbee

SWORN AND SUBSCRIBED before me,
this 22nd day of October, 2013


Notary Public for South Carolina
My Commission Expires: 2-25-19

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

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AREA CODE 843

238-5648

FAX: 238-5050

October 22, 2013

Jenny A. Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: John Sherrill as Personal Representative of the Estate of Gaye Marie Reynolds v.
Gary Moore, Robert Moore and Steven W. Sessions
Appellate Case No. 2013-001433
C/A No. 2008-CP-26-7941
Our File No. 2002-0579C

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of Appellants' Response to Respondent's Motion to Strike Certain Matters from Appellants' Designation of Matter and Proof of Service in the above-captioned matter. I also enclose a check for \$25.00 for the filing fee. Please return a filed copy to me in the self-addressed, stamped envelope enclosed for your convenience.

By copy of this letter, we hereby serve a copy of the above-stated documents on counsel of record.

With best regards, I am

Sincerely yours,



Gene M. Connell, Jr.

GMC,Jr.:sm
Enclosures

cc w/enc.: Kimberley Campbell, Esquire
Cheevin T. "Lex" Gardner, Esquire
John L. Sherrill, Esquire

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