

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
Appellate Case No. 2012-212341

APPEAL FROM RICHLAND COUNTY  
The Honorable Joseph M. Strickland, Master-In-Equity

---

Karl A. Daskocil and John M. Daskocil, of whom Karl A. Daskocil is  
Plaintiff-Appellant, ..... Appellant.

v.

Patricia Gail D. Culp, Trustee of Karl V. Daskocil Trust U/A/D December 14,  
1995, ..... Respondent.

---

**APPELLANT'S RESPONSE TO RESPONDENT'S October 23, 2013 MOTION TO SUPPLEMENT  
RECORD ON APPEAL AND FOR EXTENSION OF TIME TO FILE FINAL BRIEF OF RESPONDENT;**

**AND APPELLANT'S RESPONSIVE MOTION FOR AN EQUIVALENT EXTENSION OF TIME TO  
REVISE AND FILE APPELLANT'S FINAL BRIEF AND REVISED RECORD ON APPEAL BASED  
RESPONDENT'S REQUEST TO INCLUDE NEW DOCUMENTS NOT FOUND IN THE RECORD  
NOR EVER PROVIDED TO APPELLANT SUBSEQUENT TO PREVIOUS REQUESTS**

Karl A. Daskocil  
3009 W. San Nicholas  
Tampa, FL 33629  
(813) 326-4258  
Appellant, Pro se

Robert G. Rikard  
1329 Blanding Street  
Columbia, SC 29201  
(803) 978-6111  
Attorney for Respondent

**RECEIVED**

OCT 30 2013

**SC Court of Appeals**

**As grounds for this Motion and Request, Appellant respectfully submits the following:**

In the interest of fairness, Appellant requests equal time as an opportunity to edit and supplement his Final Brief as a result of the Court's pending decision regarding Respondent's Motion filed on October 23, 2013, especially as certain documents proposed to be included have never been provided for review by Appellant despite my prior requests and best efforts to obtain them independently. Just as Respondent asserts that she cannot file her Final Brief without these items, Appellant likewise cannot effectively do so either given Respondent's stated intent to utilize them. As will be noted below, with apology for the redundancy, Appellant has been persistent and diligent in his attempts to obtain and review the document(s), even through telephone calls and conversation I initiated with Respondent's Attorney Rikard, himself; as well as via verbal and formal written request to the Richland County Clerk of Court's office. Although very cooperative in their efforts, the Clerk Of Court's office could not locate the subject material to provide to me. (They were, however, able to provide certain other documents I had to request.) The "John Duskocil" email/notice document(s) do not seem to be part of the record; although it is unlikely that I would object to their inclusion following my own opportunity for review and responsive comment within Final Brief, and the "Motion to be Relieved Lydon" could not be provided to me either.

**In light of the above, and the proceeding submission, Appellant respectfully requests an extension of time equivalent to the 20 days being requested by the Respondent, and the ability to submit final documents at the same time as the Respondent.** Likewise, Appellant respectfully requests that Respondent's Attorney be asked to provide the documents he's referencing, and which he had promised to provide to me during telephone inquiries initiated by me, for my own awareness and use, as a matter of basic equity since I haven't seen them and they were found to be not available through the Richland County Clerk of Court.

The following is excerpted from my August 29, 2013 Motion and reminder to Respondent Counsel regarding our discussion of certain documents he had designated *(Please see detail in highlighted in bold type on next page, below)*. I have also previously

indicated (both in a previous Motion and also in Appellant's Initial Reply Brief) that the document Respondent refers to as "Notice and Court Email John Duskocil 8-15-2011" has never been provided to me and was, to the best of my knowledge, only presented to the lower Court independently (ex parte, I must presume). As Respondent's attorney, via his Motion filed October 23, 2013 (which I received via email last night) clearly wishes to supplement the existing Record for the purpose of referencing these documents in Respondent's final brief; Appellant respectfully and accordingly asks this Court for time to review and reply to the here-to-for unknown content and context of these documents.

Appellant's Record On Appeal was timely served upon Respondent on October 4, 2013.

Respondent's emailed Motion for supplement and extension was received yesterday evening (October 23, 2013), just hours prior to scheduled final print/copy duplications and assembly of the numerous Brief and Record copies required. Accordingly, this activity was immediately postponed, pending the Court's ruling on this last-minute Respondent's Motion and creation of subsequent amendments if needed. My request is submitted in the interest of fairness, given the potential need to edit and supplement Appellant's Final Brief in accordance with new material never previously seen and which the Respondent failed to provide (see below). Also, significantly, to avoid waste of costs estimated to be in the hundreds of dollars for re-duplication and assembly of the required document copies, after editing that will potentially be necessitated by Respondent's last-minute Motion.

As noted above, the two documents referenced in Respondent's current Motion for supplement and 20-day extension of time to file briefs, which are apparently intended for use in Respondent's Final Brief, are mentioned in an excerpt (following herein) from my August 29, 2013 motion as documents not provided to me. When Respondent's attorney did not respond by providing the missing documents as he had promised via telephone conversation in September, I contacted the Richland County Clerk of Court. Specifically, Ms. McCloud-Scott, initially; and Ms. McBride, herself, subsequently enlisted Ms. Claire Moreno to assist in providing documents they had on record. Although specifically requested by me, the "Lydon" document, nor the "John Duskocil Notice and Court Email" could be located in the Record or provided to me. I believe I demonstrated appropriate diligence in attempting

to locate and include Respondent's designations. As clearly indicated above and inferred below, Respondent Attorney Rikard, himself, could not provide the documents I phoned him about in August/September. Also please note that, although Appellant's previous attorney has been unresponsive to my requests for numerous relevant documents (including those requested via Motion to this Appeals Court), I do not believe he has record of the particular items specified herein. Please see two topical document excerpts previously submitted by Appellant:

**EXCERPT FROM APPELLANT'S AUGUST 29, 2013 MOTION (as referenced above):**

I have been proactive in attempt to gather Respondent designations to assemble the Record. I called Respondent's Counsel, to inquire about three documents he had designated, but which I could not identify:

- a. Respondent has since indicated one of these (indicated as a transcript) was likely listed by mistake, a "typo". It does not appear in the Clerk's case record.
- b. Second document: Mr. Rikard indicated he did not have it electronically; but that he would try to locate in his paper file and send it. It does not appear in the case record as specified. {"Lydon..."}
- c. Third item describes one, perhaps two, communications which are also not in the Clerk's case history file. I reminded Mr. Rikard that, as previously mentioned in my Reply Brief, I never received or saw the referenced item. He indicated he would locate and send, but nothing followed.  
{Note: this refers to the John Doscocil item(s).}

---

(- End of this Excerpt -)

---

**EXCERPT FROM APPELLANT'S Initial Reply Brief**  
**regarding "Notice & Court Email John Doscocil 8-15-2013":**

I had no notification, whatsoever, regarding a letter to Judge Strickland from John Doscocil, withdrawing his demand for jury trial. I believe it must have been sent only to the Court, because it certainly was not circulated to me and I was unaware of it until recently. Respondent's brief mentions a "court email of 8-15-2011"; but I never received any such email, its content is still unknown to me, and no one has ever mentioned it to me.

In reference to the two descriptive terms Respondent's Motion refers to as inappropriate "editorial comments" that she feels should be stricken as inappropriate:

Pleased be assured that the terms "surprise dismissal" and "failed settlement", which Respondent objects to here, were meant ONLY to be descriptive, precise, and accurate. I believe these terms meet that goal in a most respectful and benign fashion. There was absolutely no intent to be provocative, argumentative, or to embellish.

I have found published definitions for these words as follows:

A. SURPRISE: 1) "totally unexpected", 2) "a sudden or unexpected event", 3) "without warning or expectation".

...This term accurately describes the dismissal of my case and there has been no prior or subsequent finding by the lower Court to support the case dismissal, despite Respondent's repeated (and inaccurate) attempts to assert warning(s) to, or violations by, the Appellant. I believe I also utilized the word "sudden" several times, which also accurately portrays the circumstance, since the dismissal was directly contrary to the Court's most recent previous indications, both on record and to another Court.

B. FAILED: 1) "Not to do something; leave something undone", 2) Fall short in what was expected", 3) "Something abandoned or forsaken".

Here again, the record will show this word accurately and simply describes several of the settlement attempts that Appellant cooperated with. Without arguing the merits here, I will simply and accurately limit comment to the fact that Appellant, and Appellant's Counsel at the time, spent considerable time trying in good faith to consummate two different settlement offers, in particular; both of which failed due to actions of another party (ie. not the Appellant, despite best efforts) The term "failed" is not only purely descriptive, it actually stops short of what or who actually contributed to any "failed settlement" referred to by line-item description in the Index to the Record on Appeal as identified by the Respondent.

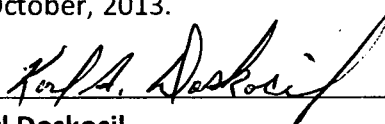
If, in the event the Court decides to allow the referenced terms to be stricken, therein lies additional support for my joining the Respondent's request for an extension of

time to receive documents and to allow for both parties to make necessary comment and/or edits to their Final Briefs and the Record on Appeal, should the content of these documents warrant this in the interest of fairness. Further, if the terms specified by Respondent as “inappropriate” need to be rephrased in a manner deemed more proper in this Court’s view, such extension will allow replacement with different terminology (even if convoluted or somewhat less simplistic as a result) without unduly prejudicing Appellant’s Final Brief and the Appeal itself, since the highlighted matters are of strong and direct relevance to the Appeal. Again this Appellant has endeavored to be descriptive, accurate, and entirely respectful of proper comportment.

It should be noted that, although Respondent’s reply brief contains numerous inaccuracies (some blatant, seemingly knowingly so) and plainly argumentative editorializing; I have initially chosen to address as much of this as possible within the text of my brief, taking the “high road” rather than via Motions to Strike, intending to address such matters which space does not allow for within Briefs during the oral presentation instead.

Therefore, Appellant respectfully asks that Respondent be ordered to provide the documents she, alone, seems to possess and wishes to have included. If instructed, Appellant pledges to immediately add these to the Record on Appeal and begs the right to incorporate any appropriate comments as necessary within my Final Brief. Further, Appellant asks the Court’s guidance (decision) regarding “editorial comments” objected to by Respondent, that Appellant be granted an extension to incorporate any changes necessitated by these and the unseen documents Respondent has requested, and to file his Final Brief and the Record on Appeal at the same time Respondent serves and files her own.

Respectfully submitted this 24<sup>th</sup> day of October, 2013.



**Karl Doskocil**

3009 W. San Nicholas

Tampa, Florida 33629

(813) 326-4258

Email: [KDoskocil@gmail.com](mailto:KDoskocil@gmail.com)

**Appellant, Pro se**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
Appellate Case No. 2012-212341

APPEAL FROM RICHLAND COUNTY  
The Honorable Joseph M. Strickland, Master-In-Equity

---

Karl A. Daskocil and John M. Daskocil, of whom Karl  
A. Daskocil is Plaintiff-Appellant, ..... Appellant.

v.

Patricia Gail D. Culp, Trustee of Karl V. Daskocil Trust  
U/A/D December 14, 1995, ..... Respondent.

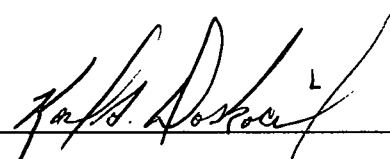
---

**PROOF OF SERVICE**

---

I certify that I have served this **APPELLANT'S RESPONSE TO RESPONDENT'S October 23, 2013 MOTION TO SUPPLEMENT RECORD ON APPEAL AND FOR EXTENSION OF TIME TO FILE FINAL BRIEF OF RESPONDENT; AND APPELLANT'S RESPONSIVE MOTION FOR AN EQUIVALENT EXTENSION OF TIME TO REVISE AND FILE APPELLANT'S FINAL BRIEF AND REVISED RECORD ON APPEAL BASED RESPONDENT'S REQUEST TO INCLUDE NEW DOCUMENTS NOT FOUND IN THE RECORD NOR EVER PROVIDED TO APPELLANT SUBSEQUENT TO PREVIOUS REQUESTS** on Patricia D. Culp by depositing a copy of it in the United States Mail, postage prepaid, addressed to her attorney of record, Robert G. Rikard, PO Box 5640, Columbia, South Carolina 29250.

October 24, 2013



Karl A. Daskocil  
3009 W. San Nicholas  
Tampa, FL 33629  
(813) 326-4258

Appellant, Pro se

**RECEIVED**

OCT 30 2013

**SC Court of Appeals**