

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge
The Honorable Alexander S. Macaulay, Circuit Court Judge

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NOV 22 2013

Case No.: 2005-CP-37-00788
Appellate Case No.: 2011-202946

SC Court of Appeals

Tri-County Development, et. al.
Jeff Gray and Melinda Holbrooks Respondents,

v.

Christopher A. Pierce Appellant.

RESPONDENTS' RETURN TO APPELLANT'S MOTION
TO SUPPLEMENT THE RECORD ON APPEAL

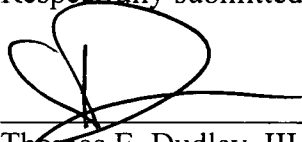
Pursuant to Rule 240(e) and Rule 210(c), SCACR, Respondents, Tri-County Development, Inc., Melinda Holbrooks, and Jeff Gray (collectively "Respondents"); hereby object to Appellant's Motion to Supplement the Record on Appeal, which Respondents received on November 18, 2013.

Rule 210(c) states in part that "The record shall not, however, include matter which was not presented to the lower court or tribunal."

Appellant seeks to include in the Record excerpts from the deposition transcript of Appellant which was never presented to the trial court or at any hearing to the lower court, nor was it ever referenced as part of any motion or memorandum in support of or in opposition to

any motion. If the deposition excerpts were never presented to the lower court or to the trial court, it is not relevant to the present appeal and should not be included in the Record. Further grounds to exclude the deposition excerpts of Appellant are that because those deposition excerpts were never presented at any time to any court, they have no effect on the lower court or trial court's decisions which are being appealed herein.

Respectfully submitted,



Thomas E. Dudley, III (SC Bar # 66154)
Kenison, Dudley & Crawford, LLC
704 East McBee Avenue
Greenville, SC 29601
(864) 242-4988

Attorney for Respondents

November 19, 2013
Greenville, SC

THE STATE OF SOUTH CAROLINA
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APPEAL FROM OCONEE COUNTY
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The Honorable R. Lawton McIntosh, Circuit Court Judge
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Tri-County Development, et. al.
Jeff Gray and Melinda Holbrooks Respondents,

v.

Christopher A. Pierce Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the Respondents' Return to Appellant's Motion to Supplement the Record on Appeal in the above-referenced case has been served on all parties of record by mailing a copy of same in the United States mail, postage prepaid this ____ day of November, 2013, addressed as follows:

T. Jeff Goodwyn, Jr.
Goodwyn Law Firm, LLC
2519 Devine Street, Suite A
Columbia, SC 29205
Attorney for Appellant



Thomas E. Dudley, III (SC Bar # 66154)
Kenison, Dudley & Crawford, LLC
704 East McBee Avenue
Greenville, SC 29601
PH: (864) 242-4988
FAX: (864) 242-4844
Attorney for Respondents

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SC Court of Appeals

KENISON, DUDLEY & CRAWFORD, LLC

A T T O R N E Y S A T L A W

KEVEN K. KENISON
(1964-2013)

THOMAS E. DUDLEY, III
Practicing Attorney in South Carolina and North Carolina

JOHN T. CRAWFORD, JR.
Practicing Attorney in South Carolina

M. STOKELY HOLDER
Practicing Attorney in South Carolina

TOWNES B. JOHNSON, III
Practicing Attorney in South Carolina

F. LEE PRICKETT, III
Practicing Attorney in South Carolina

November 19, 2013

Hon. Jenny Abbott Kitchings
Clerk of Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Tri-County Development, et al. v. Christopher A. Pierce
Appeal from Oconee County
Case No.: 2005-CP-37-00788
Appellate Case No.: 2011-202946

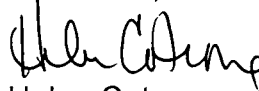
To Whom It May Concern:

Please find enclosed the original and six (6) copies of Respondents' Return to Appellant's Motion to Supplement the Record on Appeal with Proof of Service in the above referenced matter. By copy of this letter, we are serving same upon counsel for Appellant.

Thank you for your assistance in this matter. Please do not hesitate to contact our office if you have any questions.

Very truly yours,

KENISON, DUDLEY & CRAWFORD, LLC



Helen Cotrone
Legal Assistant

Enclosures
cc: T. Jeff Goodwyn, Jr.
Jeff Gray

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GREENVILLE
704 East McBee Avenue • Greenville, South Carolina 29601
Phone 864.242.4800 • Fax 864.242.4844

CHARLESTON
534 B Oristo Ridge • Edisto Beach, South Carolina 29438
Phone 843.869.1000

ATLANTA
1130 Hurricane Shoals Road • Suite 600 • Lawrenceville, Georgia 30043
Phone 770.513.6400 • Fax 770.518.6577