

Sep 28 2026

SC Court of Appeals

From: [Michael Smith](#)
To: [Court Of Appeals Filings](#)
Cc: CGriffin@brblegal.com
Subject: Smith v. King Asphalt, Inc., Appellate Case No. 2025-001327: Request to File Record on Appeal and Final Briefs on USB Drive
Date: Saturday, September 26, 2026 1:15:29 AM

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Subject: Smith v. King Asphalt, Inc., Appellate Case No. 2025-001327: Request to File Record on Appeal and Final Briefs on USB Drive

Dear Clerk:

We are Michael and Mary Smith, the Appellants in the above case, and we represent ourselves. This follows our email of September 10, 2026, which appears on the docket as Correspondence - Incoming (Email Question). In that email we reported that on September 9, 2026, the Clerk's office told us by telephone to break the Record on Appeal into smaller PDF files that email will accept, and that the Clerk's office would put the files back together. We wrote that we would file that way unless the Clerk's office told us otherwise. We have not received a written answer.

We now respectfully ask whether the Court will instead accept the Record on Appeal and both final briefs filed on a USB drive sent to the Clerk's office by certified mail, return receipt requested. The Record on Appeal is 1,535 pages. As a single PDF file it is about 118 megabytes.

We ask because none of the electronic methods in the Court's Order of April 24, 2024, regarding electronic filing under Rule 262, SCACR, is suited to a record this size when the filer is not a lawyer. Paragraph (b)(1) of that Order allows lawyers licensed in South Carolina to file through OneDrive for Business, and strongly encourages them to use it. That method is available only to lawyers. Paragraph (b)(2) provides for filing by email, but states that email may not be suitable for large documents and provides for splitting a large document into parts. Paragraph (b)(3) provides for filing by fax, but states that it may not be possible to send a large document such as a record on appeal in a single transmission.

A USB drive would allow us to file the Record on Appeal as one complete PDF file, with every page in order and every Bates page number intact, the same way a lawyer could file it through OneDrive. Our final briefs cite the Record by those Bates page numbers, so a single complete file will be the easiest for the Court to use. It also serves judicial economy: the Clerk's office and the Court will not have to download, order, and reassemble several parts of the Record, and every Record reference in the briefs can be found in one file.

If the Court will accept filing by USB drive, please also let us know whether a drive sent by certified mail is considered filed on the date it is mailed or on the date the Clerk's office receives it, so that we can send it in time. We will serve the final briefs on Respondent's counsel by email on the day we mail the drive. Respondent's counsel already has a paper copy of the Record on Appeal.

If filing by USB drive is not acceptable, please let us know, and we will file the Record by email in numbered parts as described in our September 10 email.

Thank you for your help.

Respectfully,
Michael D. Smith and Mary Smith
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Copy by email to Catharine Garbee Griffin, Esq., counsel for Respondent

