

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM AIKEN COUNTY
Court of Common Pleas

SC Court of Appeals

Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2013-001856

JACQUELYNE HOLLANDER

Appellant/Plaintiff

v.

THE IRREVOCABLE TRUST
ESTABLISHED BY JAMES BROWN
IN AUGUST 1, 2000, and
RUSSELL L. BAUKNIGHT, as Trustee
of the Irrevocable Trust established by
James Brown in August 1, 2000,

Respondent/Defendant

MOTION FOR EXTENSION OF TIME AND
AMENDMENT OF RESPONDENT'S DESIGNATION OF RECORD

The undersigned counsel respectfully requests that the Court order Respondent to amend their Designation of Record on Appeal and grant Appellant an extension of time to file the Record on Appeal for thirty days subsequent to the Court's ruling on this Motion. In support of this motion Appellant respectfully states as follows:

1. On January 21, 2014 Appellant filed their Initial Reply Brief in this matter. Pursuant to South Carolina Appellate Court Rule 210(b) the time for serving the record on appeal to opposing counsel was February 22, 2014.

2. Rule 210(c) provides that, “The Record shall not, however, include matter[s] which was not presented to the lower court or tribunal.” Respondent’s Designation of Matters to be Included in the Record on Appeal (“Designation”) included; orders from the U.S. District Court for the Northern District of Illinois from August 18, 2009 (Respondent Designation, ¶2); from October 15, 2009 (Respondent Designation, ¶3); from July 7, 2010 (Respondent Designation, ¶4); June 30, 2011 (Respondent Designation, ¶5); February 7, 2013 (Respondent Designation, ¶6); and August 1, 2013 (Respondent Designation, ¶7). None of those orders were presented for consideration to the Trial Court.

3. Rule 210(g) provides that, “Appellant or his counsel shall certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.” Undersigned counsel could not truthfully make that certification without attachment of the materials requested by Respondent but not permitted under Rule 210(c).

4. On February 5, 2014 associate for Appellant’s counsel, an attorney located in Illinois, discussed the concerns with the South Carolina Appellate Clerk. Pursuant to his conversation with the Clerk he sent a letter to the Court asking for the Court to order that Respondent’s Designation be amended to only include matters presented to the Trial Court.

5. Due to inclement weather and court holidays no contact was able to be made with the Clerk again before February 18, 2014. At that time the Clerk suggested that counsel for Appellant send the letter requesting the relief sought.

On that date I sent a letter requesting the relief sought in this motion which the Court received and filed on February 21, 2014.

6. In response, on March 10, 2014 the Court sent a letter requesting that the request sought be in the form of a motion to this Court.

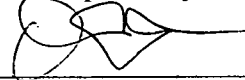
7. Appellant needs a ruling from this Court to assure that the Record contains the information applicable to Rule 210 and no extraneous documents and that Counsel does not have to certify the inclusion of documents that are properly excluded pursuant to Rule 210(c).

8. Upon receipt of a ruling on this matter, Counsel will promptly prepare the Record on Appeal and send copies to opposing counsel and to the Court within the time limits provided under Rule 210(b) or such other time as the Court deems appropriate.

WHEREFORE, the undersigned counsel respectfully requests that the Court order Respondent to amend their Designation of Matters to be Included in the Record on Appeal to include only those documents that were presented to the Trial Court; an extension of time to allow Appellant to file the Record on Appeal; and, such other relief as this Honorable Court deems reasonable and just.

March 28, 2014

Respectfully submitted,



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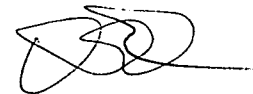
Respondent/Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of March, 2014, I served a true and accurate copy of the Motion for Extension of Time and Amendment of Respondent's Designation of Record upon Respondent's counsel of record via U.S. Mail, first class postage prepaid, as follows:

VIA U.S. MAIL

J. David Black, Esq.
PO Drawer 2426
Columbia, South Carolina 29202-2426



O. Cyrus Hinton
Hinton and Associates, PA