

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE BERKELEY COUNTY COURT OF COMMON PLEAS
Roger M. Young, Circuit Court Judge
Case No.: 2010-CP-08-1771

Appellate Case No. 2014-000183

North Pleasant, LLC and Vanguard Development Group, LLC, Appellants

vs.

South Carolina Coastal Conservation League and Edward Dana Beach, Respondents

APPELLANT'S' CONSENT MOTION TO CORRECT THE RECORD OF THE TRIAL

Appellants North Pleasant, LLC and Vanguard Development Group, LLC move, with the consent of the Respondents, to correct the record of the trial in this case. At trial, pursuant to S.C. Rule of Civil Procedure 32, the parties read portions of four depositions of out of state witnesses into the record at trial. This was evidence the jury heard. The court reporter, however, did not transcribe these deposition portions. Instead, at the point where the parts of these depositions were read into the record, the court reporter simply inserted a statement that the deposition of the particular witness was read into the record. This statement is incorrect as to all four depositions as only parts of each were in fact read to the jury.

The parties agree that the most efficient and prudent way to resolve this problem is to include in the Record on Appeal those portions of the depositions of the four witnesses involved – Robert Pittinger, Daniel Burns, Mitchell Flannery and Megan Desrossiers – and include as well the parties' mutual designations of portions of these depositions which were to be presented to the jury. In the Statement of the Case portion

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of the brief, Appellants will explain what occurred and what has been submitted into the record to correct the problem.

WHEREFORE Appellants pray for the relief requested herein and such other relief as the court deems just, prudent, and proper.

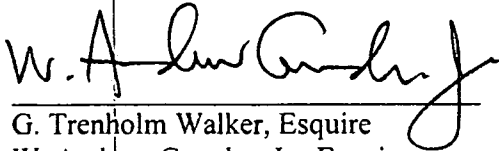
Respectfully submitted,



Smith, Bundy, Bybee, & Barnett, PC
Stan Barnett, Esquire
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Attorney for Appellants, North
Pleasant, LLC and Vanguard
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S.C. Bar# 533

May 2, 2014
Mt. Pleasant, South Carolina

WE CONSENT:



G. Trenholm Walker, Esquire
W. Andrew Gowder, Jr., Esquire
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Post Office Drawer 22247
Charleston, SC 29413
Attorneys for Respondents, South Carolina
Coastal Conservation League and Edward
Dana Beach

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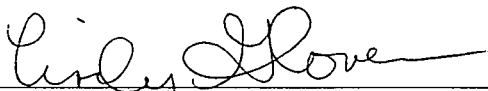
vs.

South Carolina Coastal Conservation League and Edward Dana Beach, Respondents

CERTIFICATE OF SERVICE

I, Cindy Glover, an employee of Smith, Bundy, Bybee & Barnett, P.C., hereby certify that true and correct copies of Appellant's Consent Motion to Correct the Record of the Trial was served on the undersigned parties by depositing a copy of same in the United States Mail, postage prepaid, first class, this 2nd day of May, 2014 addressed as follows:

W. Andrew Gowder, Jr., Esquire
G. Trenholm Walker, Esquire
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Post Office Drawer 22247
Charleston, SC 29413


Cindy Glover

Mt. Pleasant, South Carolina

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M. BRENT MCDONALD

May 2, 2014

VIA FEDERAL EXPRESS

The Honorable Jenny Abbott Kitchings
Clerk of the S.C. Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

RE: North Pleasant, LLC, et al. v. SCCCL, et al
Appellate Case No. 2014-000183

Dear Ms Kitchings:

Enclosed for filing, please find the original and six (6) copies of the Appellant's Consent Motion to Correct the Record of the Trial in regards to the above case along with a filing fee of \$25.00 and a self-addressed stamped envelope for a return filed copy.

In the event you have any questions, please do not hesitate to contact me.

Sincerely,



Stan Barnett

cc: Charles E. Reynolds, Esquire
W. Andrew Gowder, Jr., Esquire

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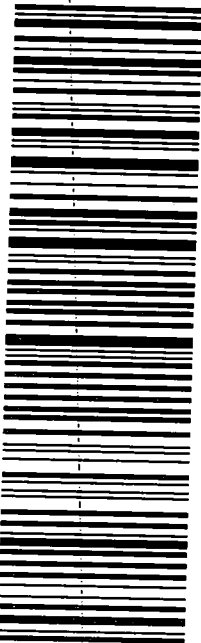
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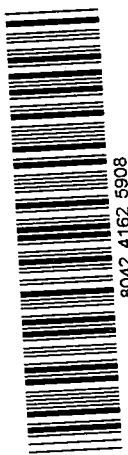
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