

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

G. Thomas Cooper, Fifth Judicial Circuit Judge

Case No: 96-CP-40-1230
South Carolina Appeals Case No. 2013-001869

THOMAS J. AND CAROLYN SILVESTER.Appellants
v.
SPRING VALLEY COUNTRY CLUB. Respondent

**APPELLANTS REPLY TO RESPONDENT SPRING VALLEY COUNTRY
CLUB'S RETURN TO APPELLANTS' MOTION TO EXCLUDE CERTAIN
MATTER FROM THE RECORD ON APPEAL**

Thomas J. Silvester
Carolyn B. Silvester
12 Glenlake Road
Columbia, SC 20223
803-736-0715

appellants pro se

RECEIVED

MAY 23 2014

SC Court of Appeals

Pursuant to Rule 224 (f), SCACR, Appellants respectfully submit this Reply to Respondents Return To Appellants Motion To Exclude Certain Matter From The Record On Appeal

In Respondents Return to Appellants Motion To Exclude Certain Matter From The Record On Appeal, dated May 15, 2014, Respondents disagree with the Appellants request to exclude Respondent's item 2 in its Designation of Matter to be included in the Record on Appeal . Item 2 is the Complaint of Thomas J. and Carolyn Silvester which was filed on April 11, 1996 in Case No. 96-CP-40-1230. The Appellants reaffirm that the Court of Appeals already issued its Opinion No. 3297 (South Carolina of Appeals, 344 S.C. 280, 543 S.E. 2d 563, filed February 12, 2001) based on this Complaint, and their Opinion should be final and honored by the lower court. This Complaint does not apply to the present Appeal and should not be included in the Record, pursuant to Rule 208 (b), SCACR which states "A party shall not include any designation which is not relevant to the appeal." This case should be scheduled for trial. The Appellants met all of the requirements for their prior appeal and completed everything timely. The twelve (12) years of inactivity in this case was not the fault of the Appellants. The lower court should have scheduled the case and the Respondents, knowing the Opinion of the South Carolina Court of Appeals should have wanted the case settled.

Again, the Respondents have misapplied the law in citing *McComas vs. Ross*, 368 S.C. 59, 626 S.E.2d 9021 (Ct. App. 2006) citing *Don Shevey & Spires, Inc. vs American Motors Realty Corporation*, 279 S.C. 58, 301 S.E. 2d 757 (1983)) The Appellants in the case remanded back to the lower court, met all the requirements of the court for this case to be prosecuted, unlike the Plaintiffs in the cases cited. Appealing that case was almost

an impossible task for the Appellants. The amount of time and work the Appellants did were staggering.

For the foregoing reasons, Appellants respectfully request Respondent's Return To Appellants Motion to Exclude Certain Matter from the Record on Appeal, asking that the Complaint of Thomas J. and Carolyn Silvester be included in the Record, be denied.

Respectfully submitted,

THOMAS J. SILVESTER
Thomas J. Silvester

Carolyn B. Silvester
Carolyn Silvester
12 Glenlake Road
Columbia, SC 29223

Columbia, SC
May 20, 2014

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

G. Thomas Cooper, Fifth Judicial Circuit Judge

Case No: 96-CP-40-1230
Appellate Case No. 2013-001869

THOMAS J. AND CAROLYN SILVESTER.Appellants

v.

SPRING VALLEY COUNTRY CLUB. Respondent

PROOF OF SERVICE

This is to certify that I have this day caused to be served upon the counsel of record named below a copy of the **Appellants Reply To Respondent Spring Valley Country Club's Return To Appellants' Motion To Exclude Certain Matter From The Record On Appeal** by placing a copy of same in the United States Mail, postage prepaid.

John E. Cuttino
GALLIVAN, WHITE & BOYD
1201 Main Street, Suite 1200
Columbia, South Carolina 29201

Carolyn B. Silvester

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May 20, 2014

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SC Court of Appeals

12 Glenlake Road
Columbia, SC 29223
May 20, 2014

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

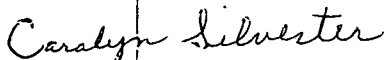
Re: Thomas J. and Carolyn Silvester vs Spring Valley Country Club
Civil Action No. 96-CP-40-1230
South Carolina Appellate No. 2013-001869

Dear Ms. Kitchings

Enclosed herewith for filing with the Court is the original and six copies of the Reply to Respondents Return to Appellants Motion to Exclude Certain Matter from the Record on Appeal.

We hereby certify that we have served a copy of this Reply on the Respondents' Attorney John Cuttino, as evidenced by the original Proof of Service which is attached to this Reply.

Sincerely,



Carolyn Silvester
pro se Appellant

Enclosures

cc John E. Cuttino, Attorney
1201 Main Street, Suite 1200
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SC Court of Appeals

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South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
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