

THE STATE OF SOUTH CAROLINA

In the South Carolina Court of Appeals

---

APPEAL FROM RICHLAND COUNTY

G. Thomas Cooper, Jr., Circuit Court Judge

---

Civil Action No. 13-CP-40-0301

---

Basil W. Akbar, #065498,

Appellant,

v.

South Carolina Department of Corrections,  
Bill Byers, Martha Roof, Debrah Long,  
Lisia Johnson, Ann and John Doe,

Respondents.

---

**RESPONDENTS' REPLY TO APPELLANT'S OBJECTION TO RESPONDENTS'  
MOTION TO CHALLENGE APPELLANT'S RECORD ON APPEAL**

---

Appellant has filed an Objection to Respondents' Motion to Challenge Appellant's Record on Appeal as Submitted (hereinafter "Objection"). For the reasons stated herein, and for the reasons previously set forth in Respondents' Motion to Challenge Appellant's Record on Appeal as Submitted, Appellant's Objection is without merit and Respondents' Motion should be granted.

On May 19, 2014, Respondents filed a Motion to Challenge Appellant's Record on Appeal as submitted (hereinafter "Motion"). In this Motion, Respondents demonstrated that Appellant's Record on Appeal as Submitted clearly does not comply with Rules 210 and 267 of the South

Carolina Appellate Court Rules. Specifically, Appellant's Record on Appeal as submitted does not include all of the documents listed by the Respondents in their Designation of Matters to be Included in the Record on Appeal. Furthermore, Appellant's apparent Record on Appeal includes documents that appear to have not been presented to the lower Court. Because of this, it is unclear if the documents previously submitted by the Appellant is a full and proper Record on Appeal. Respondents therefore respectfully moved this Court to determine whether the document received from the Appellant is a proper Record on Appeal.

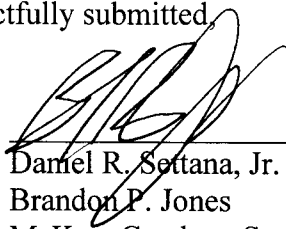
Additionally, Respondents respectfully requested that all time limits for filing Final Briefs in this case be stayed pending the Court's decision with regard to the Motion.

Appellant has filed an Objection to this Motion, arguing that his Record on Appeal as submitted "met requirements pursuant to Rule 209 SCRAP, contains no matter which is irrelevant to his appeal; and pursuant to Rule 210 SCRAP., record on appeal content includes only matters presented to the lower court, designated to be included *by the Plaintiff*." (emphasis added).

Appellant clearly has failed to properly respond to Respondent's Motion concerning this matter. Specifically, Appellant fails to address Respondents' arguments concerning Appellant's failure to comply with Rule 210, SCACR, which specifically states that the "record on appeal shall include all matters designated to be included by *any party* under Rule 209...." (emphasis added). Appellant simply argues that *he* has designated all matters to be included by him, not by all parties. Rule 210, SCACR, however, specifically requires that the Record on Appeal include all matters designated by *all parties*, not just one party. Therefore, Appellant has failed to address Respondents' argument that the Record on Appeal as submitted by him does not include all matters designated by the Respondents. Consequently, Respondents' Motion should be granted.

To the extent that the Court construes the documents served by the Appellant to be the Record on Appeal, Respondents again respectfully request an Order from the Court requiring the Appellant to supplement the record with those documents included by the Respondents in their Designation of Matters which are not currently a part of Appellant's Record on Appeal as submitted. Respondents again further respectfully request that all time limits for filing Final Briefs in this matter be stayed pending the Court's decision on this Motion, as Appellant has failed to argue why such time limits should not be stayed.

Respectfully submitted,



---

Daniel R. Settana, Jr.  
Brandon P. Jones  
McKay, Cauthen, Settana & Stublely, P.A.  
1303 Blanding Street; P.O. Drawer 7217  
Columbia, SC 29202  
(803) 256-4645  
Attorneys for Respondents

Columbia, South Carolina  
May 29, 2014

THE STATE OF SOUTH CAROLINA

In the South Carolina Court of Appeals

---

APPEAL FROM RICHLAND COUNTY

G. Thomas Cooper, Jr., Circuit Court Judge

---

Civil Action No. 13-CP-40-0301

---

Basil W. Akbar, #65498,

Appellant,

v.

South Carolina Department of Corrections,  
Bill Byers, Martha Roof, Debrah Long,  
Lisia Johnson, Ann and John Doe,

Respondents.

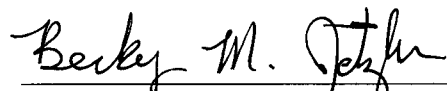
---

CERTIFICATE OF SERVICE

---

The undersigned hereby certifies that on May 29, 2014, a copy of the foregoing **RESPONDENTS' REPLY TO APPELLANT'S OBJECTION TO RESPONDENTS' MOTION TO CHALLENGE APPEALANT'S RECORD ON APPEAL** was served on Pro Se Plaintiff by mailing a copy of same in the United States Mail, via certified mail, return receipt requested, proper postage prepaid, addressed as follows:

Basil W. Akbar, #65498  
Lee Correctional Institute  
990 Wisacky Hwy, Ker. 2224-N  
Bishopville, SC 29010



Becky M. Jetzke, Legal Assistant for:  
Daniel R. Settana, Jr.  
Brandon P. Jones  
McKay, Cauthen, Settana & Stublely, P.A.  
1303 Blanding St.  
Columbia, South Carolina 29201  
Attorney for Respondents

Julius W. McKay, II  
Mark D. Cauthen  
Daniel R. Settana, Jr.  
M. Stephen Stublely  
Janet Brooks Holmes  
Peter P. Leventis, IV  
Kelli L. Sullivan\*

Law Offices  
**McKAY, CAUTHEN, SETTANA & STUBLEY, P.A.**

P.O. Box 7217  
Columbia, South Carolina 29202-7217

1303 Blanding Street  
Columbia, South Carolina 29201

Temus C. Miles, Jr.  
David M. Bornemann  
Brandon P. Jones  
James E. L. Fickling+  
Richard E. Marsh, III  
Meghan H. Hall

Douglas McKay, Jr.  
(1917-2008)  
Telephone  
(803) 256-4645  
Fax  
(803) 765-1839  
E-Mail  
mms@mckayfirm.com  
Web  
www.mckayfirm.com  
\*S.C. Certified Mediator  
+ Also licensed in N.C.

May 29, 2014

**VIA HAND DELIVERY**

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

Re: Basil Akbar v. SCDC, Bill Byers, Martha Roof, Debrah Long,  
Lisia Johnson, Ann and John Doe  
SC Appeal No.: 2013-002306  
Richland Co. Case No: 2013-CP-40-0301  
Claim No: 75046  
Our File No: 9-372

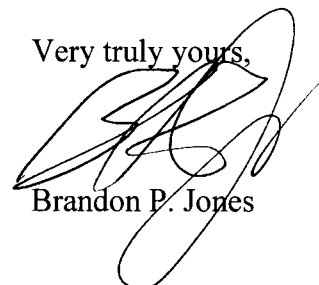
Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of **Respondents' Reply to Appellant's Objection to Respondents' Motion to Challenge Appellant's Record on Appeal and Respondents' Return to Appellant's Motion for Order Compelling Discovery** in reference to the above matter. Please return one (1) clocked-in copy of each of these documents to me via my courier.

Thank you for your assistance. Should you have any questions or concerns, do not hesitate to contact me.

With kindest regards, I am,

Very truly yours,



Brandon P. Jones

BPJ/bmj  
Enclosures  
cc: Basil Akbar, #65498 (via Certified/Return Receipt Requested)

**RECEIVED**

MAY 29 2014

**SC Court of Appeals**