

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM DILLON COUNTY
J. Michael Baxley, Circuit Court Judge

Case Nos. 2008-CP-17-0376
2008-CP-17-0377

Claude W. Graham and Vickie B. Graham, Appellants,

v.

Town of Latta, South Carolina, Respondent.

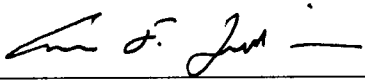
**MEMORANDUM IN SUPPORT OF
MOTION TO CORRECT RECORD ON APPEAL**

The Respondent Town of Latta has moved for an Order requiring the Appellants to file and serve a corrected Record on Appeal that fully complies with the South Carolina Appellate Court Rules and includes only documents designated by the parties for inclusion in the Record on Appeal.

Specifically, the Record on Appeal as prepared and served by the Appellant includes the Affidavit of Reynolds Williams filed July 29, 2013, with exhibits. That affidavit was not designated for inclusion in the Record on Appeal by any of the parties. Rule 210(c) and (g), SCACR, provides that the Record on Appeal "shall include all matter designated to be included by any party under Rule 209" but "not any other material." *See*, Rule 210(c) and (g), SCACR. Furthermore, that affidavit was not even cited in any of the initial briefs filed by the parties and is wholly unnecessary to a proper adjudication of this appeal. Consequently, the Respondent object to the inclusion of that affidavit with exhibits in the Record on Appeal.

In sum, the Respondent Town of Latta respectfully requests that that Court order that the Record on Appeal be corrected and that pages 38 through 101 be removed. The Respondent further requests that the time for filing Final Briefs be held in abeyance until this motion is adjudicated.

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July 7, 2014