

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

---

Case No. 2012-CP-23-1971  
Appellant Case No. 2013-002367

---

Barbara Gaines

Respondent,

v.

Joyce Ann Campbell

Appellant.

---

APPELLANT'S MOTION TO REMAND THE CASE TO THE LOWER COURT SO AS TO  
RECONSTRUCT THE EXHIBITS USED AT TRIAL/MOTION FOR EXTENSION OF TIME  
TO FILE FINAL BRIEFS AND RECORD ON APPEAL

---

Counsel for Appellant hereby moves for an Order remanding this matter to the trial court so as to reconstruct exhibits that were used in trial, which are now missing. Counsel for Appellant is also moving for an extension to file Appellant's Final Briefs and the Record On Appeal pending the reconstruction of the exhibits.


Both requests are made as a result of the fact that most of the exhibits were used at trial, and in closing arguments, are now missing from the Clerk's office. Counsel for Appellant has filed its Reply to the Respondent's Brief as the deadline for doing so was going to pass. However, it is impossible to properly cite the exhibits in that brief and will be impossible to finally cite the exhibits in any brief and/or include the same on the Record On Appeal.

As such, if the Court would agree to remand this matter, then the exhibits should be recreateable. Once recreated, this matter can be forwarded back to the Appellate Court and it should take no more than forty (40) days, after the Appellate Court receives the case from the lower Court, to properly file Final Briefs and the Record On Appeal.

Counsel for Appellant further moves that the time limits with regard to filing Final Briefs

and Records On Appeal be held in abeyance pending the decision and ruling by the court on this motion.

August 18, 2014



---

Marcus K. McGarr, Esq.  
MARCUS K. MCGARR, P.A.  
S.C. Bar No.: 011885  
108 Whitsett Street  
Greenville, S.C. 29601  
T: (864) 298-0089  
F: (864) 235-0503  
Attorney for Appellant

Other Counsel of Record:

John R. Peace, Esq.  
John Robert Peace, P.A.  
PO Box 8087  
Greenville, SC 29604-8087  
T: (864) 298-0500  
F: (864) 271-3130  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2012-CP-23-1971  
Appellant Case No. 2013-002367

Barbara Gaines

Respondent.

v.

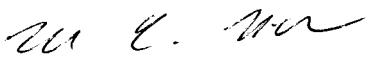
Joyce Ann Campbell

Appellant,

PROOF OF SERVICE

I certify that I have served Appellant's Motion to Remand the Case to the Lower Court so as to Reconstruct the Exhibits Used at Trial/Motion for Extension of Time to File Final Briefs and Record On Appeal, and corresponding Proof of Service on Barbara Gaines by depositing a copy of it in the United States Mail, postage prepaid, on August 18, 2014, addressed to her attorney of record, John R. Peace, Esq., John Robert Peace, P.A., PO Box 8087, Greenville, SC 29604-8087.

August 18, 2014

  
\_\_\_\_\_  
Marcus K. McGarr, Esq.  
MARCUS K. MCGARR, P.A.  
S.C. Bar No.: 011885  
108 Whitsett Street  
Greenville, S.C. 29601  
T: (864) 298-0089  
F: (864) 235-0503  
Attorney for Appellant

**RECEIVED**

AUG 20 2014

**SC Court of Appeals**

# MARCUS K. MCGARR, P.A.

Attorney at Law  
A Professional Association  
108 Whitsett Street  
Greenville, South Carolina 29601

Marcus K. McGarr, Attorney  
Amanda Garland, Paralegal  
Megan Goudy, Legal Assistant

Bar No.: 011885  
Telephone: (864) 298 - 0089  
Facsimile: (864) 235 - 0503

August 18, 2014

The Honorable Jenny Abbot Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

RE: Case Name: Barbara Gaines v. Joyce Ann Campbell  
Appellate Case # 2013-002367  
Case # 2012-CP-23-1971  
Claim # 40-8536-882  
MKM File # 200.1077

Dear Ms. Kitchings:

Please find enclosed the original, and seven (7) copies of the following documents regarding the above referenced action:

1. Appellant's Motion to Remand the Case to the Lower Court so as to Reconstruct the Exhibits Used at Trial/Motion for Extension of Time to File Final Reply Briefs and Record On Appeal;
2. Appellant's Proof of Service;
3. A check in the amount of \$25.00 which represents the filing fee with regard to this matter; and,
4. A stamped, self-addressed envelope.

I would appreciate you filing the originals of these documents, keeping the six copies, clocking the additional copy, and returning the same to me in the enclosed self-addressed, stamped envelope provided for your convenience.

Furthermore, please note that by copy of this letter, that I am placing counsel for plaintiff/respondent on notice that these documents have been filed with the court.

As always, I thank you and your staff for all the help and assistance you repeatedly provide us with regard to these matters.

Sincerely,

MARCUS K. MCGARR, P.A.



Marcus K. McGarr

MKM/meg  
Enclosures

cc: John R. Peace, Esq.  
Joyce Ann Campbell  
Tashona Miles

**RECEIVED**

AUG 20 2014

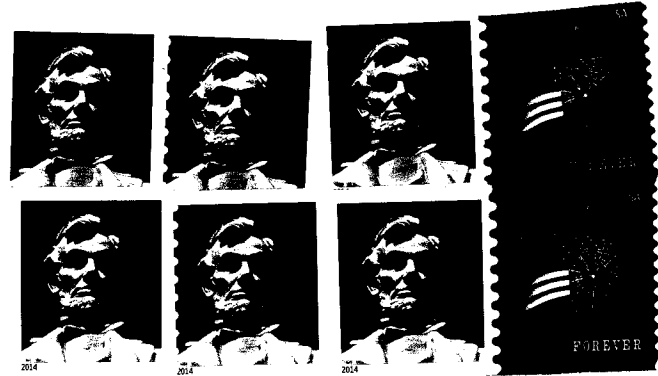
**SC Court of Appeals**

MARCUS K. McGARR, P.A.  
ATTORNEY AT LAW  
108 WHITSETT STREET  
GREENVILLE, SOUTH CAROLINA 29601

**RECEIVED**

AUG 28 2016

**SC Court of Appeals**



The Honorable Jenny Abbot Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211