

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III,
Master in Equity and Special Circuit Judge

CASE NO. 2014-001747

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OCT 06 2014

SC Court of Appeals

113165

JOSEPH C. SUN..... Appellant

vs.

MARSHALL L. HORTON..... Respondents
AND RICHARD ULBRICH

**OBJECTION TO APPELLANT'S
MOTION TO FILE INITIAL BRIEF OUT OF TIME
AND
OBJECTION TO APPELLANT'S
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD OF APPEAL**

Now comes, the Respondents, Marshall L. Horton and Richard Ulbrich (hereinafter collectively the "Respondent), who files his objection to the Appellant's Motion to File Initial Brief Out of Time and Objection to Appellant's Designation of Matter to be Included in the Record of Appeal. The reasons for these objections are provided below.

OBJECTION TO APPELLANT'S MOTION TO FILE INITIAL BRIEF OUT OF TIME

In the Appellant's Motion to File Initial Brief out of Time, the Appellant states that "As no transcript of the hearing was available or necessary... (Motion to File Initial Brief Out of Time, Page 2). The Respondent believes that a transcript does exist because Judge Marvin Dukes, III, has a full time court reporter who attends all/most hearings in his Court. For these reasons, the Respondent believes that a transcript does exist for the hearing before Judge Dukes

JmS

and moves for the Court to require the Appellant to obtain any transcripts which relate to this case.

OBJECTION TO APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

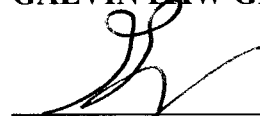
The Respondent objects to the inclusion of the amended complaint, and moves for it to be **excluded from the record** because the amended complaint was not ever served on the Respondent. Further, the Common Pleas Court record reveals that an original amended complaint was not ever filed with the Court, but instead only a copy was filed.

The Respondent also objects to the Appellant's Designation of Matter and moves for the following items to be **included** in the Record of Appeal which include: (1) the Affidavit in Support of Motion to Dismiss filed by Marshall Horton, Esq. and all documents which supported the affidavit and (2) transcripts of all hearings which were held before Judge Marvin Dukes, III.

CONCLUSION

Based on the foregoing facts and arguments the Respondent move for the relief requested in this Motion.

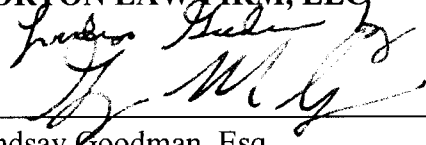
GALVIN LAW GROUP, INC.



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Bluffton, South Carolina
2nd day of October, 2014

HORTON LAW FIRM, LLC



Lindsay Goodman, Esq.

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Bluffton, South Carolina
2nd day of October, 2014

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CASE NO. 2014-001747

JOSEPH C. SUN..... Appellant

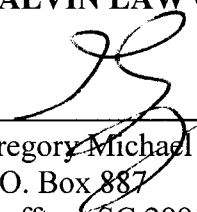
vs.

MARSHALL L. HORTON.....Respondents
AND RICHARD ULBRICH

NOTICE OF APPEARANCE

Counsel for Marshall Horton, Esq. believes that the Court has proper notice of Gregory Michael Galvin, Esq.'s represents Respondent, Marshall Horton, Esq. However, out of an abundance of caution, please take notice, that the undersigned, Gregory Michael Galvin, Esq., represents Respondent Marshall Horton, Esq. to represent him in the above captioned cause of action. Please direct all future correspondence accordingly.

GALVIN LAW GROUP, INC.



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JOSEPH C. SUN..... Appellant

vs.

MARSHALL L. HORTON.....Respondents
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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the **Respondents' Objection to Appellant's Motion to File Initial Brief out of Time and Objection to Appellant's Designation of Matter to be Included in the Record on Appeal** by mailing a true and correct copy of same to the following, with adequate postage affixed thereto, addressed as follows:

Joseph Sun
Post Office Box 151
Bluffton, SC 29910

GALVIN LAW GROUP, INC.



Gregory Michael Galvin, Esq.
P.O. Box 887
Bluffton, SC 29910
843-227-2231
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Bluffton, South Carolina
2nd day of October, 2014



Licensed in District of Columbia, Ohio & South Carolina
Special Assistant Attorney General for the State of Georgia
Also licensed as a Patent Attorney before the United States Patent & Trademark Office

September 23, 2014

~~Via Federal Express~~ *US Mail enc*
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29201

RE: Joseph Sun vs. Marshall Horton
Case No. 2014-001747

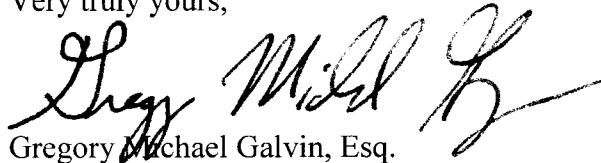
Enclosed please find for filing in connection with the above-mentioned matter:

1. An original and Fifteen (7) copies of the Respondents' Objection to Appellant's Motion to File Initial Brief out of Time and Objection to Appellant's Designation of Matter to be Included in the Record on Appeal;
2. An original a Notice of Appearance of Gregory Michael Galvin, Esq. and 7 copies; and
3. A check for \$25.00.

Please file the original documents and provide me with one time-stamped copy of each document. By copying all parties, I am serving them with a copy of this letter.

Should you require any additional information in order to process this request, please do not hesitate to contact me.

Very truly yours,


Gregory Michael Galvin, Esq.

cc: Joseph Sun (via U.S. Mail)
Lindsay Goodman, Esq. (via U.S. Mail)
Marshall Horton, Esq. (via electronic mail)



Galvin Group

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The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29201

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