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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2011-CP-32-01010
Tracking No. 2013-002056

Glenda R. Couram,

Appellant,

v.

Mr. & Mrs. Christopher Hooker, Mr. and Mrs. Carl Riebold; All persons claiming any Legal or Equitable Right, Title, Estate, Lien or interest in the Property Described in the Complaint Adverse to the Plaintiff's; Cox & Dinkins, Inc., Fair Builders/Developers, Inc., Donald "Don" Rawls & Steve Fair in their official and individual capacities, Carolina Water Svc., (CWS), Carolina Trace Utilities, Inc., & Utilities, Inc., Corporate Offices, (CWS),

RECEIVED

SEP 29 2014

SC Court of Appeals

Defendants,

Of whom Mr. & Mrs. Hooker, Mr. & Mrs. Reibold, Cox & Dinkins, Inc., Donald "Don" Rawls and Steven A. Fair are

Respondents.

MOTION TO COMPEL APPELLANT TO AMEND RECORD ON APPEAL AND TO STAY TIME FOR FILING FINAL BRIEF OF RESPONDENTS COX & DINKINS, INC. AND J. DONALD "DON" RAWLS AND TO EXCLUDE FINAL REPLY BRIEF OF APPELLANT

A. Respondents Cox & Dinkins, Inc. and Donald “Don” Rawls hereby move this Court for an Order (1) compelling Appellant to amend the Record on Appeal to include documents designated in Respondents Cox & Dinkins, Inc. and Donald “Don” Rawls’ Designation of Matter to be Included in the Record on Appeal, (2) compelling Appellant to conform the Record on Appeal to the South Carolina Appellate Court Rules, and (3) staying the time for filing of their Final Brief. This Motion is made for the following reasons:

1. Respondents Cox & Dinkins, Inc. and Donald “Don” Rawls filed and served upon Appellant the Initial Brief of Respondents Cox & Dinkins, Inc. and Donald “Don” Rawls and Designation of Matter to be Included in the Record on Appeal in this matter on July 16, 2014.

2. Respondents Cox & Dinkins, Inc. and Donald “Don” Rawls’ Designation of Matter to be Included in the Record on Appeal includes the following documents:

- a. Pleadings, Lexington County Court of Common Pleas Case No. 2011-CP-32-1010;
- b. Trial Transcript pp. 8-10, 12-35, 79-230, 238, 240, 251, 302-304, 321;
- c. Plaintiff’s Exhibit No. 5, Deed to Glenda Couram;
- d. Plaintiff’s Exhibit No. 7, Plat of Wrenwood Phase IV dated June 11, 1991;
- e. Defendant’s Exhibit No. 1, Drafts Surveying, Inc. Closing Survey dated Feb. 24, 1994;

- f. Defendant's Exhibit No. 2, Cox and Dinkins, Inc. Plat dated June 30, 2004.

(See "Exhibit A" attached hereto.)

3. Appellant did not object to Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls' Designation of Matter to be Included in the Record on Appeal on the ground that the designation contains matters that are irrelevant to the appeal.

4. On September 11, 2014, Appellant served upon Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls the Record on Appeal, which does not include the following documents:

- a. Plaintiff's Amended Summons and Complaint in Lexington County Court of Common Pleas Case No. 2011-CP-32-1010;
- b. Trial Transcript pp. 120-23;
- c. Plaintiff's Exhibit No. 5, Deed to Glenda Couram, as introduced at trial;
- d. Plaintiff's Exhibit No. 7, Plat of Wrenwood Phase IV dated June 11, 1991, as introduced at trial;
- e. Defendant's Exhibit No. 1, Drafts Surveying, Inc. Closing Survey dated Feb. 24, 1994, as introduced at trial;
- f. Defendant's Exhibit No. 2, Cox and Dinkins, Inc. Plat dated June 30, 2004, as introduced at trial.

See RULE 210(g), SCACR.

5. The Record on Appeal also does not conform to the South Carolina Appellate Court Rules because the matter in the Record on Appeal is not arranged as provided by RULE 210(c), *SCACR*.

6. Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls hereby request an Order compelling Appellant to amend the Record on Appeal to include the following documents:

- a. Plaintiff's Amended Summons and Complaint in Lexington County Court of Common Pleas Case No. 2011-CP-32-1010;
- b. Trial Transcript pp. 120-23;
- c. Plaintiff's Exhibit No. 5, Deed to Glenda Couram, as introduced at trial;
- d. Plaintiff's Exhibit No. 7, Plat of Wrenwood Phase IV dated June 11, 1991, as introduced at trial;
- e. Defendant's Exhibit No. 1, Drafts Surveying, Inc. Closing Survey dated Feb. 24, 1994, as introduced at trial;
- f. Defendant's Exhibit No. 2, Cox and Dinkins, Inc. Plat dated June 30, 2004, as introduced at trial.

7. In the alternative, Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls request an Order compelling Appellant to serve and file a supplemental Record on Appeal that includes the following documents:

- a. Plaintiff's Amended Summons and Complaint in Lexington County Court of Common Pleas Case No. 2011-CP-32-1010;
- b. Trial Transcript pp. 120-23;

- c. Plaintiff's Exhibit No. 5, Deed to Glenda Couram, as introduced at trial;
- d. Plaintiff's Exhibit No. 7, Plat of Wrenwood Phase IV dated June 11, 1991, as introduced at trial;
- e. Defendant's Exhibit No. 1, Drafts Surveying, Inc. Closing Survey dated Feb. 24, 1994, as introduced at trial;
- f. Defendant's Exhibit No. 2, Cox and Dinkins, Inc. Plat dated June 30, 2004, as introduced at trial.

See RULE 212, *SCACR*.

8. Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls also request that the time for filing Final Brief of Respondents be stayed until the Amended or Supplemental Record on Appeal has been filed and served.

B. Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls also hereby move this Court for an Order excluding the Final Brief of Appellant for the following reasons:

1. Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls served upon Appellant the Initial Brief of Respondents Cox & Dinkins, Inc. in this matter on July 16, 2014.

2. Appellant did not serve or file a notice that she did not receive the Initial Brief of Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls.

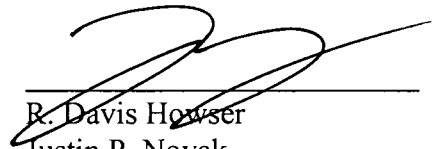
3. Appellant served the Final Brief of Appellant upon Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls on September 11, 2014.

4. Appellant did not serve or file a reply brief within ten (10) days after service of the Initial Brief of Respondents Cox & Dinkins, Inc. and Donald “Don” Rawls. *See* RULE 208(a)(3), *SCACR*.

5. Appellant served a Final Reply Brief of Appellant upon Respondents Cox & Dinkins, Inc. and Donald “Don” Rawls on September 21, 2014.

6. Respondents Cox & Dinkins, Inc. and Donald “Don” Rawls hereby request an Order excluding the Final Reply Brief of Appellant.

Respectfully submitted,



R. Davis Howser

Justin P. Novak

Howser, Newman & Besley, LLC

Post Office Box 12009

Columbia, South Carolina 29211

Phone: (803) 758-6000

Fax: (803) 758-4445

rdhowser@hnblaw.com

jnovak@hnblaw.com

***Attorneys for Respondents
Cox & Dinkins, Inc. and
J. Donald “Don” Rawls***

September 26, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

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SC Court of Appeals

Defendants,

Of whom Mr. & Mrs. Hooker, Mr. & Mrs. Reibold, Cox & Dinkins, Inc., Donald "Don" Rawls and Steven A. Fair are

Respondents.

PROOF OF SERVICE

I, the undersigned employee of Howser Newman & Besley, LLC, hereby certify that pursuant to Rules 240(d) and 262(b), *SCACR*, I have served *Motion to Compel Appellant to Amend Record on Appeal and to Stay Time for Filing Final Brief of Respondents Cox & Dinkins,*

Inc. and J. Donald "Don" Rawls and to Exclude Final Reply Brief of Appellant in this matter on Appellant Glenda R. Couram, *pro se*, and all counsel of record and *pro se* respondents by depositing copies of it in the United States Mail, postage prepaid, on September 26, 2014, addressed to:

Glenda R. Couram
104 Macaw Lane
Lexington, South Carolina 29073

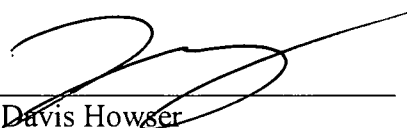
L.A. Smokey Brown, Jr., Esquire
Law Office of Smokey Brown, PC
P.O. Box 1545
Irmo, SC 29063

Pro Se Appellant

Attorney for Respondents
Mr. & Mrs. Christopher Hooker
& Mr. and Mrs. Carl Riebold

Steven A. Fair
Fair Builders/Developers, Inc.
100 S. Wrenwood Drive
Lexington, South Carolina 29073

Pro Se Respondent



R. Davis Howser
Justin P. Novak
Howser, Newman & Besley, LLC
Post Office Box 12009
Columbia, South Carolina 29211
Phone: (803) 758-6000
Fax: (803) 758-4445
rdhowser@hnblaw.com
jnovak@hnblaw.com

Attorneys for Respondents
Cox & Dinkins, Inc. and
J. Donald "Don" Rawls

September 26, 2014

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Defendants,

Of whom Mr. & Mrs. Hooker, Mr. & Mrs. Reibold, Cox & Dinkins, Inc., Donald "Don" Rawls and Steven A. Fair are

Respondents.

PROOF OF SERVICE

I, the undersigned employee of Howser Newman & Besley, LLC, hereby certify that pursuant to Rules 240(d) and 262(b), *SCACR*, I have served *Motion to Compel Appellant to Amend Record on Appeal and to Stay Time for Filing Final Brief of Respondents Cox & Dinkins,*

Inc. and J. Donald "Don" Rawls and to Exclude Final Reply Brief of Appellant in this matter on Appellant Glenda R. Couram, *pro se*, and all counsel of record and *pro se* respondents by depositing copies of it in the United States Mail, postage prepaid, on September 26, 2014, addressed to:

Glenda R. Couram
104 Macaw Lane
Lexington, South Carolina 29073

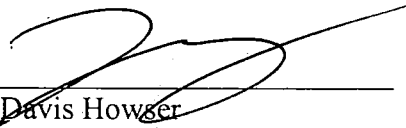
L.A. Smokey Brown, Jr., Esquire
Law Office of Smokey Brown, PC
P.O. Box 1545
Irmo, SC 29063

Pro Se Appellant

Attorney for Respondents
Mr. & Mrs. Christopher Hooker
& Mr. and Mrs. Carl Riebold

Steven A. Fair
Fair Builders/Developers, Inc.
100 S. Wrenwood Drive
Lexington, South Carolina 29073

Pro Se Respondent



R. Davis Howser
Justin P. Novak
Howser, Newman & Besley, LLC
Post Office Box 12009
Columbia, South Carolina 29211
Phone: (803) 758-6000
Fax: (803) 758-4445
rdhowser@hnblaw.com
jnovak@hnblaw.com

Attorneys for Respondents
Cox & Dinkins, Inc. and
J. Donald "Don" Rawls

September 26, 2014



**HOWSER, NEWMAN
& BESLEY, LLC**

Attorneys and Counselors at Law

215 East Bay Street
Suite 303
Charleston, SC 29401

www.hnblaw.com

September 26, 2014

Columbia Office
1508 Washington Street
Columbia, SC 29201
Telephone 803.758.6000
Fax 803.758.4445
Toll Free 866.207.6209

Charleston Office
215 East Bay Street
Suite 303
Charleston, SC 29401
Telephone 843.216.6940
Fax 843.216.6942
Toll Free 877.216.6970

R. Davis Howser
James P. Newman, Jr. <
William G. Besley <
Benjamin D. McCoy ^
Kelley Shull Cannon
Andrew E. Haselden
George V. Hanna, IV *
Michal Cooper Jones
Kyliene L. Keesley ^
Jennifer E. Thomas
Albert Richard Pierce, Jr. *
James P. Sullivan
Justin P. Novak
Vincent C. Northcutt <
Kate K. Hemingway
Jeffrey I. Silverberg

< Certified Circuit Court Mediator
^ Certified Circuit Court Mediator and Arbitrator
* Also Admitted in North Carolina

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SEP 29 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: *Glenda R. Couram, Appellant, v. Mr. & Mrs. Christopher Hooker, Mr. and Mrs. Carl Riebold; All persons claiming any Legal or Equitable Right, Title, Estate, Lien or interest in the Property Described in the Complaint Adverse to the Plaintiff's; Cox & Dinkins, Inc., Fair Builders/Developers, Inc., Donald "Don" Rawls & Steve Fair in their official and individual capacities, Carolina Water Svc., (CWS), Carolina Trace Utilities, Inc., & Utilities, Inc., Corporate Offices, (CWS), Defendants, Of whom Mr. & Mrs. Hooker, Mr. & Mrs. Reibold, Cox & Dinkins, Inc., Donald "Don" Rawls and Steven A. Fair are Respondents.*

Tracking No. 2013-002056

Dear Ms. Kitchings:

Enclosed for filing are the following in the above-referenced action:

- (1) an original and seven (7) copies of *Motion to Compel Appellant to Amend Record on Appeal and to Stay Time for Filing Final Brief of Respondents Cox & Dinkins, Inc. and J. Donald "Don" Rawls and to Exclude Final Reply Brief of Appellant*; and
- (2) an original and seven (7) copies of the *Proof of Service* with respect to the Motion.

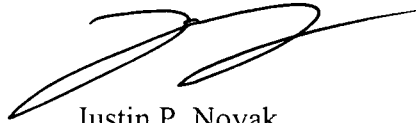
After filing the original and six (6) copies of these documents, please return the extra clocked-in copies in the self-addressed, stamped envelope provided. Our \$25.00 check is also enclosed for the filing fee.

By copy of this letter, I am serving Appellant Glenda R. Couram, *pro se*, and all counsel of record and *pro se* respondents with copies of each of the above-described documents.

Letter to Ms. Kitchens
Page 2
September 26, 2014

Thank you for your attention in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'Justin P. Novak', with a long horizontal flourish extending to the right.

Justin P. Novak

JNOV/khm

Enclosures

cc: Glenda Couram, *Pro Se*
L.A. "Smokey" Brown, Jr., Esquire
Steven A. Fair, *Pro Se*