

Allen, Claire

From: Allen, Claire
Sent: Wednesday, November 12, 2014 3:17 PM
To: 'Dana Sinkler'
Cc: Jason Imhoff; Amanda Steward
Subject: RE: Appellate Case No. 2014-001151

Dear Dana,

We received your email inquiring about the filing of a supplemental record on appeal pursuant to Rule 212(b) of the South Carolina Appellate Court Rules (SCACR). With the written consent of all attorneys of record, you may file a supplemental record on appeal. Without consent, you will have to file a motion outlining what you want to supplement and why. It sounds like you and opposing counsel are agreeable to the supplemental record on appeal.

If either party would like an extension of time to file their final briefs, such party must file a motion for an extension pursuant to Rule 240, SCACR. The other party to the appeal can always agree to the extension.

Please see that this response gets to all counsel of record if not included in the cc section of this email.

Sincerely,

Claire Allen
Deputy Clerk of Court
S.C. Court of Appeals
callen@sccourts.org

From: Dana Sinkler [<mailto:dsinkler@gibbs-holmes.com>]
Sent: Wednesday, November 12, 2014 12:36 PM
To: Allen, Claire
Cc: Jason Imhoff; Amanda Steward
Subject: Appellate Case No. 2014-001151

Dear Claire,

I am the Appellant in the above-referenced case. The final briefs and Record on Appeal are due today. At 4:45pm yesterday afternoon, counsel for the Respondent (Jason Imhoff) sent me an email noting that testimony of one witness is missing from the transcript that we had included in the Record, and that some of the photographs (which were trial exhibits) are grainy. It would appear that the Court Reporter mailed the trial transcript separately from this particular witness's testimony, which is why we had failed to include it in the Record. Counsel for the Respondent requests that we agree for an extension to file the Record on Appeal to enable him to cite the testimony in his Final Brief (due today).

We are entirely agreeable to his request for an extension for time to prepare his Final Briefs. However we have already made 15 copies of the Record on Appeal, and we would like to file it and our Final Briefs today.

May we make the witness testimony and photographs a Supplement to the Record, pursuant to Rule 212 (b)?

May we provide counsel for the Respondent with an extension to allow him to postpone filing his Final Brief until we are able to obtain and provide him with a copy of the Supplement to the Record, so that he can cite it in his brief?