

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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DEC 08 2014

SC Court of Appeals

74396

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

The Honorable J. Mark Hayes, II, Circuit Court Judge

Case No.: 2014-CP-11-0052
Appellate Case No.: 2014-000981

Lisa Randolph and George Randolph, Appellants,

v.

Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General, and Cherokee
County, and Blacksburg Police Department, Defendants,

Of Whom Cherokee County and
Blacksburg Police Department are Respondents.

RESPONDENTS' MOTION TO REQUIRE APPELLANTS TO SERVE
THE RECORD ON APPEAL

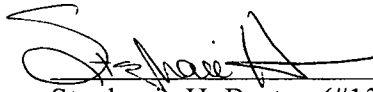
Respondents Cherokee County and the Blacksburg Police Department hereby move the
Court to require Appellants to serve Respondents with a copy of the Record on Appeal and to
allow Respondents thirty (30) days to file their final brief after the entire Record on Appeal has
been properly served.

This motion is made upon the grounds that:

1. Pursuant to Rule 210, Appellants are required to serve a copy of the Record on
Appeal on Respondents within thirty (30) days after service of the last brief.

2. Appellants served their reply brief on October 28, 2014. Accordingly, Appellants had until November 28, 2014 to serve a copy of the Record on Appeal.
3. On November 10, 2014, Appellants served a cover sheet for a Record on Appeal and an index to a Record on Appeal.
4. Appellants have not served a copy of the Record on Appeal in accordance with Rule 210 and should be ordered to do so.
5. Respondents request thirty (30) days from the date that Appellants serve a copy of the Record on Appeal to serve Respondents' Final Brief.

This motion is based upon the affidavit of Stephanie H. Burton and applicable common and statutory law.



Stephanie H. Burton (#13089)
Gibbes Burton, LLC
308 East Saint John Street
Spartanburg, SC 29302
(864) 327-5000

Attorneys for Respondents Cherokee County
and Blacksburg Police Department

December 4, 2014
Spartanburg, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No.: 2014-000981

Lisa Randolph and George Randolph,.....Appellants,

v.

Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General, and Cherokee
County, and Blacksburg Police Department, Defendants,

Of Which

Cherokee County and Blacksburg Police Department are.....Respondent.

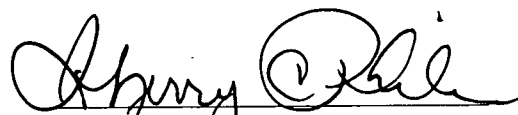
PROOF OF SERVICE

The undersigned, Sherry C. Philson, certifies that she is an employee of Gibbes Burton, LLC and on the 4th day of December 2014, she served a copy of Respondent Cherokee County and Blacksburg Police Department to be Included in the Record on Appeal by depositing in the United States mail, with due and proper postage affixed thereto, a copy of the same addressed to:

Ms. Lisa Randolph, *pro se*
Mr. George Randolph, *pro se*
203 West Carolina Street
Blacksburg, South Carolina 29702

Ms. Mary Daniel LaFave, Esquire
Ms. Regina Hollins Lewis, Esquire
Gaffney Lewis & Edwards
3710 Landmark Drive, Suite 109
Columbia, South Carolina 29204

December 4, 2014


Sherry C. Philson



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The Honorable J. Mark Hayes, II, Circuit Court Judge

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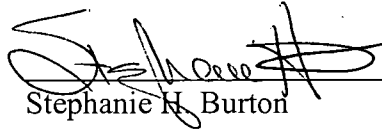
AFFIDAVIT OF STEPHANIE H. BURTON

The undersigned, being duly sworn, states as follows:

1. I represent Cherokee County and the Blacksburg Police Department in the above-referenced matter.
2. On October 28, 2014, Appellants served a copy of their reply brief by United States Mail.
3. On November 10, 2014, Appellants mailed the following items to me: a cover sheet for a Record on Appeal; and an index to a Record on Appeal. A true and

accurate copy of the documents served by Appellants on November 10, 2014 is attached hereto as Exhibit A.

4. As of today, Appellants have not served a complete copy of the Record on Appeal in this case.
5. Respondents need the Record on Appeal to prepare their Final Brief.


Stephanie H. Burton

SWORN to before me this
4th day of December, 2014.

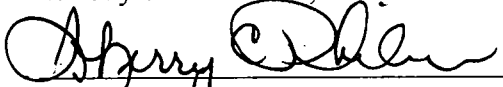

Notary Public for South Carolina
My Commission Expires: 12/19/2023

EXHIBIT A

Lisa Randolph and George Randolph
203 West Carolina Street
Blacksburg, South Carolina 29702
(864) 425.2771 / (864).425.0207

November 8, 2014

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

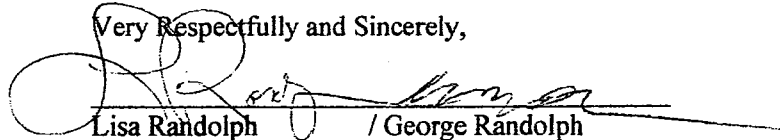
RE: *Lisa Randolph and George Randolph, Appellants v. Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General, and Cherokee County, and Blacksburg Police Department, Defendants, Of Whom Cherokee County and Blacksburg Police Department, Respondents.* (Case No. 2014-CP-110052, Appellate Case No. 2014-000981).

Dear Ms. Kitchings,

Please find the following documents enclosed for filing:

- (1) Record on Appeal
- (2) Designation of Matter to be Included in the Record on Appeal
- (3) Proof of Service of Designation of Matter to be Included in the Record on Appeal
- (4) Certificate of Counsel

Very Respectfully and Sincerely,



Lisa Randolph / George Randolph
203 West Carolina Street
Blacksburg, South Carolina 29702
(864) 425-2771 / (864) 425-0207

Other Offices of Record:

Office of Court Administration

Other Attorneys of Record:

Ms. Stephanie H. Burton, Esquire
Ms. Mary D. Lefave, Esquire
Ms. Regina Hollins Lewis, Esquire

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2014-CP-1100052
Appellant Case No. 2014-000981

Lisa Randolph and George Randolph,

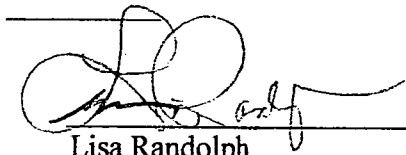
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v.

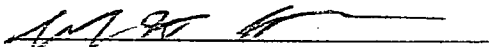
Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General,
and Cherokee County, and Blacksburg Police Department, Defendants,
Of Whom Cherokee County and Blacksburg Police Department are Respondents.

RECORD ON APPEAL

November 8, 2014



Lisa Randolph
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(864) 425-2771
Pro se



George Randolph
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Pro se

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v.

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DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

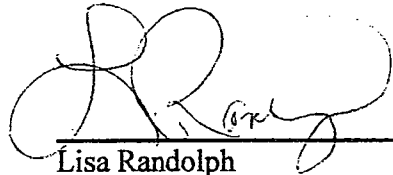
Appellants propose the following matters be included in the Record on Appeal:

1. Order of April 29, 2014;
2. Order of April 4, 2014;
3. Complaint dated January 24, 2014;
4. Certificate of Exemption dated January 24, 2014;
5. Motion to Dismiss Defendant, Cherokee County, dated February 21, 2014;
6. Motion to Dismiss Defendant, Blacksburg Police Department, dated February 27, 2014;
7. Appellants' Response to Oppose Defendant, Cherokee County, Motion to Dismiss, dated March 21, 2014;

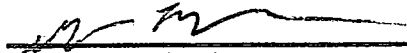
8. Appellants' Response to Oppose Defendant, Blacksburg Police Department, Motion to Dismiss, March 21, 2014;
9. Transcript of Proceeding pp. 74-90, delivered June 1, 2014.

We certify that this designation contains no matter which is irrelevant to this appeal.

November 8, 2014



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Pro se.



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Pro se.

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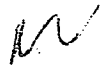
PROOF OF SERVICE

We certify that on this date we served a copy of the Appellants' Designation of Matter to be Included in the Record on Appeal on the following Attorneys of Record and the Office of Court Administration, by depositing into the United States Postal Service (USPS) Mail with proper First Class postage attached, on November 10, 2014, and addressed to:

Ms. Rosalyn W. Frierson, Director
Office of Court Administration
Calhoun Building
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201-3739

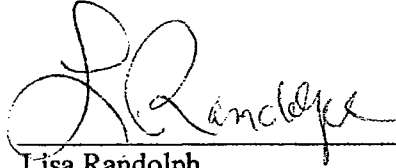
Ms. Stephanie H. Burton, Esquire
GIBBES BURTON, LLC
308 East Saint John Street
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Ms. Mary D. Lefave, Esquire
GAFFNEY LEWIS & EDWARDS, LLC
3710 Landmark Drive, Suite 109
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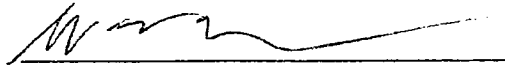


Ms. Regina Hollins Lewis, Esquire
GAFFNEY LEWIS & EDWARDS, LLC
3710 Landmark Drive, Suite 109
Columbia, South Carolina 29204

November 10, 2014



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CERTIFICATE OF COUNSEL

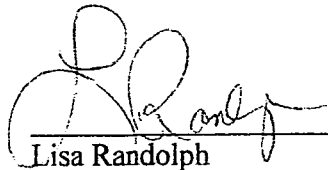
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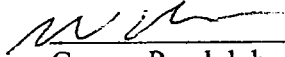
The undersigned counsel for Appellants hereby certify that the Appellants' Designation of Matter to be Included in the Record on Appeal contains no matter which is irrelevant to the appeal.

[Signature Block Below]





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Stephanie H. Burton
sburton@gibbesburton.com



December 4, 2014

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

Re: Lisa Randolph and George Randolph v. Dolgencorp, LLC, d/b/a Dollar General Store # 76751, a/k/a Dollar General, and Cherokee County, and Blacksburg Police Department
Appellate Case No.: 2014-000981

Dear Ms. Kitchings:

We are enclosing for filing the original and seven copies of the following:

1. Motion to Require Appellants to Serve the Record on Appeal;
2. Affidavit of Stephanie H. Burton; and
3. Our Certificate of Service.

We are enclosing our firm's check in the amount of \$25.00 for the motion filing fee. We would appreciate you filing these papers and returning a clocked copy to us in the enclosed envelope.

With kind regards,

Yours very truly,

GIBBES BURTON, LLC

Stephanie H. Burton

SHB/scp
Enclosure

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SC Court of Appeals

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Spartanburg, South Carolina 29302
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