

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Court of Common Pleas

Stephanie P. McDonald, Circuit Court Judge

Appellate Case No. 2014-000824
Case No. 2011-CP-10-7166

Otha Delaney,

Appellant,

v.

First Financial of Charleston, Inc.,

Respondent.

**RESPONDENT'S CONSENT MOTION
FOR LEAVE TO FILE
SUPPLEMENTAL RECORD ON APPEAL**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
Perry M. Buckner, IV (SC Bar No. 100031)
P.O. Box 993
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(843) 720-5488
ATTORNEYS FOR RESPONDENT

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SC Court of Appeals

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA
COURT OF APPEALS

COMES NOW Respondent, First Financial of Charleston, Inc., by and through its undersigned counsel, and hereby respectfully requests that this Honorable Court grant it leave to file/serve the attached Supplemental Record on Appeal and to cite thereto in its Final Brief of Respondent, which is provisionally filed contemporaneously herewith.

The attached Supplemental Record on Appeal includes only the following substantive matter: Transcript of Hearing held April 26, 2012, and Transcript of Hearing held October 23, 2013, both of which were designated for inclusion in the Record on Appeal by Respondent. (*See* Respondent's Designation of Matter to be Included in the Record on Appeal (with Proof of Service) dated August 29, 2014, which is attached hereto as **Exhibit A** and incorporated herein by reference.) Although the Record on Appeal prepared by Appellant included most of the matter that Respondent designated for inclusion, it did not include these items.

Respondent submits that there is good cause to grant the present motion, such motion being consistent with the interests of justice and not unduly prejudicial to any party. **Prior to making this motion, the undersigned counsel for Respondent consulted with Appellant's counsel.**

Appellant's counsel kindly advised that Appellant has no objection to the Court's grant of the relief requested in this motion.

WHEREFORE, Respondent respectfully requests that the proposed Supplemental Record on Appeal (the original, along with the requisite number of copies under Rule 210(b), SCACR, being filed herewith, and a copy now served on Appellant), be allowed and accepted as filed along with the Final Brief of Respondent, which cites thereto, and which is provisionally filed contemporaneously herewith.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown (SC Bar No. 66468)

Russell G. Hines (SC Bar No. 72100)

Perry M. Buckner, IV (SC Bar No. 100031)

P.O. Box 993

Charleston, South Carolina 29402

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ATTORNEYS FOR RESPONDENT

Charleston, South Carolina

Dated: 11/18/14

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Respondent.

**RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

YOUNG CLEMENT RIVERS, LLP
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Perry M. Buckner, IV
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ATTORNEYS FOR RESPONDENT

Exhibit A

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA
COURT OF APPEALS

The Respondent proposes the following to be included in the Record
on Appeal:

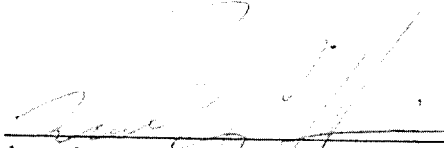
1. Order Granting Motion to Dismiss;
2. Order Denying Motion to Reconsider;
3. Summons and Complaint;
4. First Financial's Motion to Dismiss;
5. Delaney's Memo in Opposition to Motion to Dismiss;
6. First Financial's Memo in Support of Motion to Dismiss;
7. Delaney's Motion to Reconsider;
8. First Financial's Memo in Opposition to Motion to Reconsider;
9. Delaney's Memo in Support of Motion to Reconsider;
10. Delaney's Reply to First Financial's Memo in Opposition to Motion to Reconsider;
11. Transcript of Hearing held April 26, 2012; and
12. Transcript of Hearing held October 23, 2013.

I certify that this Designation of Matters contains no matter which is
irrelevant to this appeal.

SIGNATURE ON NEXT PAGE

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
Perry M. Buckner, IV (SC Bar No. 100031)
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ATTORNEYS FOR RESPONDENT

Charleston, South Carolina

Dated: 8.29.17

**THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
Russell G. Hines
Perry M. Buckner, IV
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Charleston, South Carolina 29402
(843) 720-5488
ATTORNEYS FOR RESPONDENT

Exhibit A

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent above named, do hereby certify that I have served the **INITIAL BRIEF OF RESPONDENT** and **RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on the above-named Appellant by depositing a copy of the same in the United States Mail, postage prepaid, on August 29, 2014, addressed as follows to Appellant's counsel of record:

Philip L. Fairbanks, Esquire
Philip Fairbanks, P.C.
1214 King Street
Beaufort, SC 29902

YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines

Charleston, South Carolina

Dated: 8/29/14

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Stephen L. Brown (SC Bar No. 66468)
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P.O. Box 993
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(843) 720-5488
ATTORNEYS FOR RESPONDENT

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent above named, do hereby certify that I have served **Respondent's Consent Motion for Leave to File Supplemental Record on Appeal** on the above-named Appellant by depositing a copy of the same in the United States Mail, postage prepaid, on November 18, 2014, addressed as follows to Appellant's counsel of record:

Philip L. Fairbanks, Esquire
Philip Fairbanks, P.C.
1214 King Street
Beaufort, SC 29902
Attorneys for Appellant

YOUNG CLEMENT RIVERS, LLP

By: 

Russell G. Hines (SC Bar No. 72100)
ATTORNEYS FOR RESPONDENT

Charleston, South Carolina

Dated: 11/18/14

**THE STATE OF SOUTH CAROLINA
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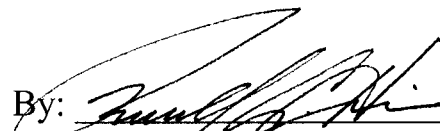
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Perry M. Buckner, IV (SC Bar No. 100031)
P.O. Box 993
Charleston, South Carolina 29402
(843) 720-5488
ATTORNEYS FOR RESPONDENT

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent above named, do hereby certify that I have served the **Supplemental Record on Appeal** on the above-named Appellant by depositing a copy of the same in the United States Mail, postage prepaid, on November 18, 2014, addressed as follows to Appellant's counsel of record:

Philip L. Fairbanks, Esquire
Philip Fairbanks, P.C.
1214 King Street
Beaufort, SC 29902
Attorneys for Appellant

YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines (SC Bar No. 72100)
ATTORNEYS FOR RESPONDENT

Charleston, South Carolina

Dated: 11/18/14

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Perry M. Buckner, IV (SC Bar No. 100031)
P.O. Box 993
Charleston, South Carolina 29402
(843) 720-5488
ATTORNEYS FOR RESPONDENT

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent above named, do hereby certify that I have served Respondent's **Certificate of Compliance Regarding Final Brief of Respondent** on the above-named Appellant by depositing a copy of the same in the United States Mail, postage prepaid, on November 18, 2014, addressed as follows to Appellant's counsel of record:

Philip L. Fairbanks, Esquire
Philip Fairbanks, P.C.
1214 King Street
Beaufort, SC 29902
Attorneys for Appellant

YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines (SC Bar No. 72100)
ATTORNEYS FOR RESPONDENT

Charleston, South Carolina

Dated: 11/18/14

**THE STATE OF SOUTH CAROLINA
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Respondent.

**CERTIFICATE OF COMPLIANCE
REGARDING FINAL BRIEF OF RESPONDENT**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
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ATTORNEYS FOR RESPONDENT

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SC Court of Appeals

The undersigned, an attorney in this matter for Respondent First Financial of Charleston, Inc., hereby certifies that the **Final Brief of Respondent** complies with the provisions of Rule 211(b), SCACR, and that it also complies with the Order Re: Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings issued by the Supreme Court of South Carolina on April 15, 2014.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown (SC Bar No. 66468)

Russell G. Hines (SC Bar No. 72100)

Perry M. Buckner, IV (SC Bar No. 100031)

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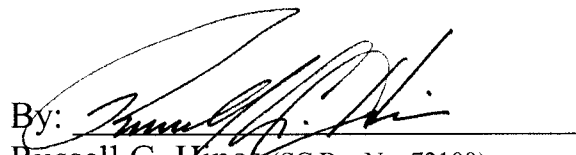
PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (S.C. Bar No. 66468)
Russell G. Hines (S.C. Bar No. 72100)
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25 Calhoun Street, Suite 400
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(843) 720-5488
ATTORNEYS FOR RESPONDENT

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent above named, do hereby certify that I have served the **Final Brief of Respondent** on the above-named Appellant by depositing a copy of the same in the United States Mail, postage prepaid, on November 18, 2014, addressed as follows to Appellant's counsel of record:

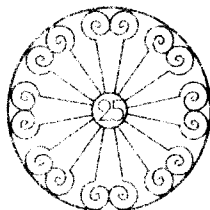
Philip L. Fairbanks, Esquire
Philip Fairbanks, P.C.
1214 King Street
Beaufort, SC 29902
Attorneys for Appellant

YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines (SC Bar No. 72100)
ATTORNEYS FOR RESPONDENT

Charleston, South Carolina

Dated: 11/18/14



YCR LAW
Young Clement Rivers, LLP

Aimee M. Justman
Legal Assistant

Direct Dial: (843) 720-5460
Direct Fax: (843) 579-1385
E-mail: Ajustman@ycrlaw.com

November 18, 2014

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

RECEIVED
NOV 20 2014
SC Court of Appeals

Re: Otha Delaney v. First Financial of Charleston
Appellate Case No.: 2014-000824
Case No.: 2011-CP-10-7166
YCR File: 14768-20110934

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the following:

- The original and sixteen (16) copies of the Final Brief of Respondent;
- The original and one (1) copy of a Proof of Service regarding the same;
- The original and one (1) copy of a Certificate of Compliance Regarding Final Brief of Respondent;
- The original and one (1) copy of a Proof of Service regarding the same;
- The original and sixteen (16) copies of the Supplemental Record on Appeal;
- The original and one (1) copy of a Proof of Service regarding the same;
- The original and seven (7) copies of Respondent's Consent Motion for Leave to File Supplemental Record on Appeal; and
- The original and one (1) copy of a Proof of Service regarding the same.

Kindly file the originals and return one court-stamped copy of each document to me using the pre-stamped envelope provided. With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Aimee M. Justman
Legal Assistant

/amj

Enclosures

cc: Philip L. Fairbanks, Esquire