

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Berkeley County
Court of Common Pleas

The Honorable Kristi L. Harrington

M4739

Case No. 2011-CP-08-2315

Nancy Schaffer Turner, as Personal Representative
of the Estate of Martha L. Schaffer.....Appellant,

v.

Susan Linda Schaffer Sawadske.....Respondent.

**RESPONDENT'S SECOND MOTION TO COMPEL SUPPLEMENTAL
RECORD TO INCLUDE RESPONDENT'S DESIGNATED MATTERS
AND FOR SANCTIONS**

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HART HYLAND SHEPHERD, LLC
Post Office Box 130
Summerville, SC 29484
(843) 410-0711

ATTORNEYS FOR RESPONDENT

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JAN 12 2015

SC Court of Appeals

MOTION AND MEMORANDUM

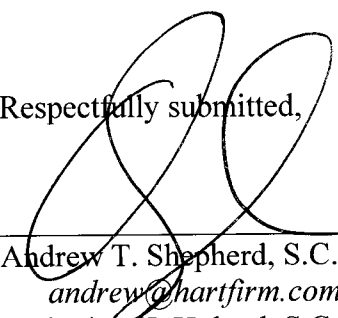
On May 20, 2014, Counsel for Respondent served a Motion for an Order compelling the Appellant to correct, prepare and serve the Record on Appeal such that the same included all matters designated by Respondent for inclusion in the Record on Appeal, which at that time included only three (3) of Respondent's nineteen (19) separate matters. At the time of serving the Motion, Respondent provided to the Appellant courtesy copies of all matters designated by Respondent for inclusion. By Order entered September 17, 2014, the Court granted Respondent's Motion and compelled Appellant to correct, prepare and serve a Supplemental Record on Appeal inclusive of all of Respondent's matters designated for inclusion.

On December 13, 2014, after receiving two extensions from the Court, Appellant served a bound packet entitled Supplemental Record on Appeal and the Appellant's Supplemental Final Brief. After exhaustive review of the Supplemental Record on Appeal served by the Appellant, it appears that only four (4) of the nineteen (19) separate matters designated by the Respondent for inclusion in the Record on Appeal appear within the Supplemental Record. However, Respondent notes that within the Supplemental Record on Appeal, four (4) extraneous documents consisting of deeds and property descriptions are now included by the Appellant that were neither identified in the Respondent's Designation of Matter nor the Appellant's Designation of Matter.

Despite Respondent having provided courtesy copies to the Appellant of the missing matters to be included in the Record Appeal, Appellant did not serve or file an amended Record on Appeal or otherwise attempt to come into compliance with Rule 210, SCACR, until an additional four months had expired and an Order of the Court was necessitated—after which time Appellant further gained an additional sixty (60) days to

comply via extensions of time. Respondent continues to be unable to prepare and file its Final Brief by virtue of the Appellant's failure or willful refusal to include Respondent's matters for inclusion in the Record as identified by the Respondent pursuant to Rule 209, SCACR. It is the responsibility of the Appellant to prepare the Record and to include all matters designated by the parties in the Record. Rule 210, SCACR. For what appears to be Appellant's willful disregard for the September 17, 2014 Order and interposition for delay, Respondent has again incurred attorneys fees and costs to gain Appellant's cooperation and compliance with the Court's rules. Wherefore, pursuant to Rules 260 and 269, SCACR, and the obligations of Appellant pursuant to Rule 267(b), SCACR, Respondent requests that the court take such action as it deems necessary to compel Appellant's compliance with Rule 210, SCACR, or otherwise dismiss the appeal, and in either case sanction Appellant by awarding to Respondent the attorney's fees and costs she incurred in bringing both Motions to Compel, or incurred in defense of the appeal in its entirety.

Respectfully submitted,



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ATTORNEYS FOR RESPONDENT

Summerville, South Carolina
January 7, 2015

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Berkeley County
Court of Common Pleas

The Honorable Kristi L. Harrington

Case No. 2011-CP-08-2315

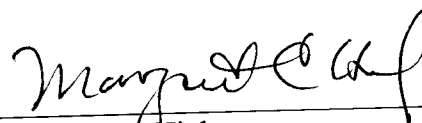
Nancy Schaffer Turner, as Personal Representative
of the Estate of Martha L. Schaffer.....Appellant,

v.

Susan Linda Schaffer Sawadske.....Respondent.

CERTIFICATE OF SERVICE

I certify that I served the Respondent's Motion to Compel Supplemental Record To Include Respondent's Designated Matters and for Sanctions, by depositing a copy in the United States Mail, postage prepaid, on January 7, 2015, addressed to *Pro Se* Appellant, Nancy Schaffer Turner, 311 Claude Phillips Road, Bennett, NC 27208.



Margaret C. Hiel
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Summerville, South Carolina
January 7, 2015.

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Thomas H. Hart, III, P.C.
Gregory L. Hyland
Andrew T. Shepherd
Katherine H. Hyland

January 7, 2015

Attn: Honorable Kristi L. Harrington
The State of South Carolina
Court of Appeals
P.O. Box 11629
Columbia, SC 29211

**RE: Nancy Schaffer Turner, As Personal Representative of
the Estate of Martha L. Schaffer v. Susan Linda Schaffer Sawadske
Appeal from Berkeley County Court of Common Pleas
Case No.: 2011-CP-08-2315**

Dear Judge Harrington:

Please find enclosed the original and seven (7) copies of the **Respondent's Second Motion to Compel Supplemental Record to Include Respondent's Designated Matters and for Sanctions**, and **Certificate of Service**, for the above-referenced matter. Please also find a check in the amount of \$25.00 for the filing fee. At your earliest convenience, please return a clocked copy in the self-addressed stamped envelope provided.

If you have any questions, or if I can be of further assistance, please do not hesitate to contact me.

With kindest regards, I remain

Most sincerely,

Margaret C. Hiel
Assistant to Andrew T. Shepherd

Enclosure(s) as stated

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