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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

IN CASE NO. 2009-CP-1000685, THE HONORABLE MIKELL R. SCARBOROUGH

Case No. 2014-001345

PAUL DAVIS.....Appellant,

v.

CHARLESTON HARBOR RESORT & MARINA.....Respondent,

RESPONDENT'S RESPONSE TO APPELLANT'S
MOTION TO AMEND ORIGINAL DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

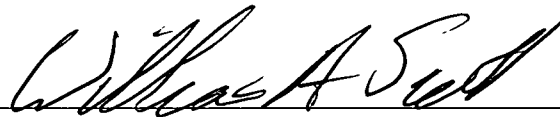
The Respondent, Charleston Harbor Resort and Marina (Marina) requests the Court deny the Appellant's Motion to Amend Designation of Matters to be Included in the Record on Appeal because the documents were not part of the record of the lower court and cannot be considered in this appeal. Rule 210, South Carolina Appellate Court Rules (SCACR), provides that, "[t]he record shall not, however, include a matter which was not presented in the lower court or tribunal." Rule 210, SCACR. The documents that the Appellant wants to add to the record were not in the record before the lower court, and never presented to the lower court. The first document is supposedly a letter from Ronnie Derrick, postmaster of the USPS for Newberry, SC. The document is not a letter, has no signature of any type whatsoever, is not an affidavit, and is inadmissible hearsay. The second set of documents are supposedly statements from Respondent

to Paul Davis; however, the documents were not presented to the lower court and cannot be considered as part of the record now.

Because the documents that the Appellant seeks to add to the record were not part of the record before the lower court, they cannot be added to the record now, and the Appellant's Motion should be denied.

Respectfully submitted.

PEDERSEN & SCOTT, P.C.

A handwritten signature in black ink, appearing to read "William A. Scott", is written over a horizontal line.

William A. Scott (SC Bar #15148)

775 St. Andrews Blvd.

Charleston, SC 29412

Tel: (843) 556-5656

Fax: (843) 556-5635

ATTORNEY FOR RESPONDENT

Dated this 29th day of December, 2014.

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PAUL DAVIS.....Appellant,

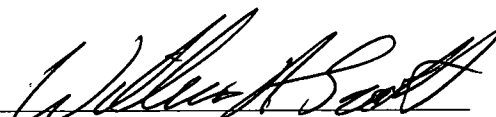
v.

CHARLESTON HARBOR RESORT & MARINA.....Respondent,

PROOF OF SERVICE

I certify that I have served the Respondent's Response to Appellant's Motion to Amend Original Designation of Matter to be Included in the Record no Appeal, by depositing a copy of it in the United States Mail, postage prepaid, on December 29, 2014, addressed to Pro Se Appellant Paul Davis, 14639 C.R. Koon Highway, Newberry, SC 29109 and Paul Davis, 107 Averill Lane, Irmo, SC 29063.

PEDERSEN & SCOTT, P.C.


William A. Scott (SC Bar #15148)
775 St. Andrews Blvd.
Charleston, SC 29412
(843) 556-5656
ATTORNEY FOR RESPONDENT

Dated this 29th day of December, 2014.

PEDERSEN & SCOTT, P.C.
ATTORNEYS AT LAW

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December 29, 2014

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

RE: Paul Davis v. Charleston Harbor Resort & Marina
Case No. 2009-CP-1000685
Appeals Court No.: 2014-001345

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the *Respondent's Response to Appellant's Motion to Amend Original Designation of Matter to be Included in the Record on Appeal and Proof of Service*. Please return a stamped-in copy of these documents in the enclosed envelope.

Please contact me if you have any questions.

With regards,



William A. Scott

WAS/teb
Enclosures
cc: Paul Davis
Charleston Harbor Resort & Marina

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