

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Lee S. Alford, Circuit Court Judge

Appellate Case No. 2014-000821

RECEIVED

JAN 20 2015

SC Court of Appeals

74805

The Winthrop University Trustees for the
State of South Carolina, Respondent,

v.

Pickens Roofing and Sheet Metals, Inc., Appellant.

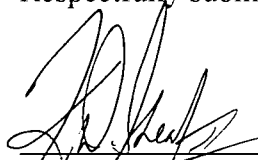
APPELLANT’S MOTION TO AMEND APPELLANT’S DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 240 of the *South Carolina Appellate Court Rules*, Appellant Pickens Roofing and Sheet Metals, Inc. (“Appellant”) respectfully requests that it be permitted to amend its Designation Of Matter To Be Included In The Record On Appeal, required by Rule 209, SCACR. Appellant filed its Designations on October 10, 2014 along with its Initial Brief and subsequently learned that Plaintiff’s Exhibits 49, 50, 53, 55, and 57, which Appellant had designated for inclusion in the Record on Appeal, were never admitted into evidence. Counsel for Respondent The Winthrop University Trustees for the State of South Carolina (“Respondent”) consents to Appellant’s Motion to Amend

155

its Designations. Appellant's Amended Designation Of Matter To Be Included In The Record On Appeal is attached hereto as Exhibit 1.

Respectfully submitted,



Kirby D. Shealy III
Lyndey Ritz Zwing
Adams and Reese LLP
1501 Main Street, Fifth Floor
Columbia, South Carolina 29201
(803) 254-4190
Attorneys for Appellant

January 20, 2015.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Lee S. Alford, Circuit Court Judge

Appellate Case No. 2014-000821

RECEIVED

JAN 20 2015

SC COURT OF APPEALS

The Winthrop University Trustees for the
State of South Carolina, Respondent,

v.

Pickens Roofing and Sheet Metals, Inc., Appellant.

PROOF OF SERVICE

I certify that I have served **Appellant's Motion to Amend Appellant's Designation of Matter To Be Included In The Record on Appeal** and the **Record on Appeal** on Respondent The Winthrop University Trustees for the State of South Carolina by depositing a copy of said documents in the United States Mail, postage prepaid, on January 20, 2015, addressed to Respondent's attorneys of record, Peter W. Vogt, Esquire, and Zachary M. Jett, Esquire, at 11620 N. Community House Road, Charlotte, North Carolina 28277.


Victoria Moody – Paralegal

January 20, 2015.



January 20, 2015

RECEIVED

JAN 20 2015

SC Court of Appeals

Kirby D. Shealy III

Direct: 803.212.4966

E-Fax: 803.343.1258

kirby.shealy@arlaw.com

VIA Hand Delivery:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: *The Winthrop University Trustees for the State of South Carolina v. Pickens Roofing and Sheet Metals, Inc.*

Appellate Case No. 2014-000821

A&R File No. 050434-000018

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter are the original and one copy of Appellant's Motion to Amend Appellant's Designation of Matter to Be Included in the Record on Appeal along with the \$25.00 filing fee. Also enclosed for filing is Proof of Service of the Record on Appeal. Please file the originals and return the clocked-in copies to me via our courier. By copy of this letter, I am serving opposing counsel with the Motion and the Record on Appeal, as set forth in the enclosed Proof of Service. Thank you for your attention to this matter.

Sincerely,

Kirby D. Shealy III

KDSIII/vhm

Enclosures

cc: Peter W. Vogt, Esquire
Zachary M. Jett, Esquire