

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 20 2015

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

Allison Renee Lee, Circuit Court Judge

75818

Case No. 2012-CP-40-4652
S.C. Appellate Tracking No. 2014-000663

James W. Trexler.....Appellant,

v.

The Humane Society for the Prevention of Cruelty To Animals, and Wayne
Brennessel, individually and As Executive Director of the Humane Society for the
Prevention of Cruelty to Animals.....Respondents.

**MOTION TO BE ALLOWED TO SUPPLEMENT RECORD ON APPEAL
AND
FOR AN EXTENSION TO SUBMIT RESPONDENT'S FINAL BRIEF**

William O. Sweeny, III
John E. Tyler
Sweeny, Wingate and Barrow, P.A.
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211
(803) 256-2233
Attorneys for Respondents

1. The initial briefs and designations of matter by both Appellant and Respondents were timely filed and served.

2. Appellant filed and served a motion to strike certain of Respondents' designations.

3. By Order of February 4, 2015, this Court granted in part and denied in part Appellant's motion to strike. The Court in that Order required Respondents to file an amended initial brief and an amended designation of matter.

4. On April 8, 2015, Respondents received the Record on Appeal in final form. A review of the Record revealed that the Record did not contain documents which the Court's Order of February 4 had allowed. Further investigation revealed that the Respondents had inadvertently omitted documents which had previously been designed in their initial submission. The documents inadvertently omitted were Bates-labeled as HSPCA0518 – HSPCA0534 and HSPCA0539 – HSPCA0540. These documents are referenced and relied upon in Respondents' amended initial brief, were presented to the lower court and are directly relevant to Appellant's claim for malicious prosecution. Moreover, this Court specifically denied Appellant's motion to exclude these documents.

5. With the consent of Appellant's counsel, Respondents, on April 16, 2015, filed a motion to request that the Court allow them to file a Second Amended Designation of Matter and to provide a corresponding supplement to the Record.

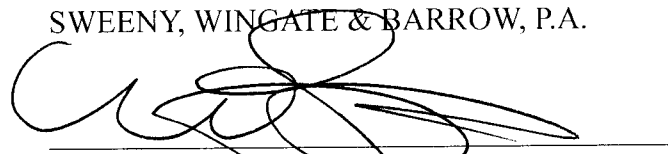
6. Before any response to Respondents' Motion of April 16 was received, Appellant filed his final brief and a final Record. The above-cited materials that are missing from the Record are not included.

7. Respondents, therefore, respectfully request that they be allowed to supplement the Record with the above-mentioned materials and that they be given a reasonable time after the Court's decision to final their final brief.

8. No party will be prejudiced by the Court's granting this motion and no excessive delay will occur. Respondents will bear the costs associated with supplementing the record.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



William O. Sweeney, III, Esquire
John E. Tyler, Esquire
1515 Lady Street
Post Office Box 12129
Columbia, SC 29211

Columbia, South Carolina
April 28, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Allison Renee Lee, Circuit Court Judge

Case No. 2012-CP-40-4652
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APR 28 2015

SC Court of Appeals

James W. Trexler.....Appellant,

v.

The Humane Society for the Prevention of Cruelty
To Animals, and Wayne Brennessel, individually and
As Executive Director of the Humane Society for the
Prevention of Cruelty to Animals.....Respondents.

PROOF OF SERVICE

I certify that I have served Respondents The Humane Society for the Prevention of Cruelty To Animals, and Wayne Brennessel, individually and As Executive Director of the Humane Society for the Prevention of Cruelty to Animals' Respondent's Motion to Supplement the Record on Appeal and for an Extension to file its Final Brief by depositing a copy of it in the United States Mail, postage prepaid, on April 28, 2015, addressed to all counsel of record, listed as follows:

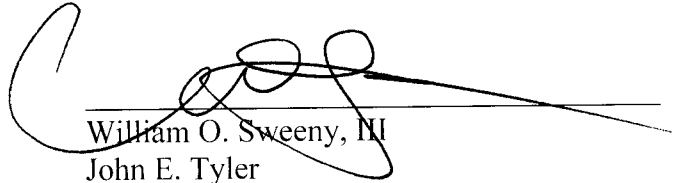
W. Westbrook Wills, III, Esquire
38 Broad Street, Suite 200
Charleston, SC 29401
Attorney for Plaintiff James W. Trexler

William H. Johnson, Esquire
Law Offices of William H. Johnson, LLC
411 North Brooks Street
Post Office Box 137
Manning, SC 29102
Attorney for Plaintiff James W. Trexler

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875 Lowcountry Blvd., Suite 206
Mt. Pleasant, SC 29464
Attorney for Plaintiff James W. Trexler

Roopal Ruparelia, Esquire
Haynsworth Sinkler & Boyd, P.A.
1201 Main Street
Columbia, SC 29201-3232

April 28, 2015

A handwritten signature in black ink, appearing to read "William O. Sweeny, III", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

William O. Sweeny, III
John E. Tyler
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S·W·B

SWEENY WINGATE & BARROW P.A.

April 28, 2015

Reply to: Main Office
John E. Tyler
(803) 256-2233 x7110
jet@swblaw.com

VIA HAND DELIVERY

V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, SC 29202

RE: James W. Trexler v. The Humane Society
Civil Action No.: 2012-CP-40-4652
Our File: 1395-8358

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SC Court of Appeals

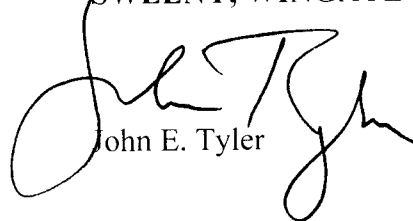
Dear Ms. Allen:

Enclosed please find the original and seven copies of Respondent's Motion to Supplement the Record on Appeal and for an Extension to file its Final Brief, Proof of Service and \$25 filing fee in the above-referenced case. Please file the original and six copies and return a filed stamped copy to me via our courier.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Respectfully,

SWEENY, WINGATE & BARROW, P.A.


John E. Tyler

JET/smt

Enclosures

CC: William H. Johnson, Esquire
W. Westbrook Wills, III, Esquire
Matthew D. Hamrick, Esquire
Roopal Ruparelia, Esquire