

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
APR 21 2015  
SC Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Mattie D. Murphy, Circuit Court Judge

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Case No.: 2012-CP-18-0393

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Lauren L. Kyle.....Appellant,

v.

Dorchester County Chapter SPCA, a/k/a Francis R. Willis SPCA.....Respondent.

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**CONSENT MOTION TO AMEND  
THE DESIGNATION OF MATTER TO BE INCLUDED  
ON THE RECORD OF APPEAL**

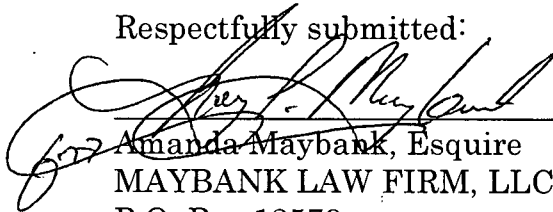
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TO: THE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

Comes Now the Respondent Dorchester County Chapter SPCA a/k/a/ Francis R. Willis SPCA and respectfully moves this Court for an Order pursuant to Rule 212(b) of the SCACR to Amend the Designation of Matter to be Included on the Record on Appeal. Counsel for Respondent filed its Initial Brief therein referencing Exhibit F of Dorchester County Chapter SPCA's Memorandum in Support of Motion to Dismiss or in the Alternative for Summary Judgment filed August 29, 2012. However, Respondent inadvertently left out Exhibit F in its Designation of Matter.

Counsel for Respondent has consulted with counsel for the Appellant and they have consented to the Amendment of the Respondent's Designation of Matter to include Exhibit F of Dorchester County Chapter SPCA's Memorandum in Support of Motion to Dismiss or in the Alternative for Summary Judgment filed August 29, 2012.

Respectfully submitted:



A handwritten signature in cursive script, appearing to read "Amanda Maybank", is written over a horizontal line. The signature is positioned to the left of the typed name and firm information.

Amanda Maybank, Esquire  
MAYBANK LAW FIRM, LLC  
P.O. Box 12579  
Charleston, SC 29422  
(843) 766-8101

Attorney for Respondent Dorchester County  
Chapter SPCA, a/k/a Francis R. Willis SPCA

April 20, 2015

STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS  
COUNTY OF DORCHESTER  
Case No. 2009-CP-18-28

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LAUREN L. KYLE,  
Plaintiff,  
vs.

DEPOSITION OF:  
LAUREN LINDSAY KYLE

DORCHESTER COUNTY CHAPTER  
SPCA, A/K/A FRANCES R.  
WILLIS SPCA,  
Defendant.

CERTIFIED COPY  
2012 AUG 29 PM 1:39  
*Cheryl McManus*  
CLERK OF COURT  
DORCHESTER COUNTY

DATE: June 24, 2010  
TIME: 2:21 PM  
LOCATION: Law Offices of  
Waring Simons Howe, Jr.  
57 Broad Street  
Charleston, SC  
REPORTED BY: LANA McMANUS,  
Certified Shorthand Reporter

LRM Court Reporting, LLC  
Independent Contractor working in association with  
Milligan Court Reporting  
Telephone: (843) 971-5867 Fax: (843) 971-6509  
E-mail: Milligansc@comcast.net



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A P P E A R A N C E S

For the Plaintiff:           Waring Simons Howe, Jr.  
57 Broad Street  
Charleston, SC 29401  
(843) 722-8269

For the Defendant:        Maybank Law Firm, LLC  
By: Jason Alan Daigle  
531 Savannah Highway  
Charleston, SC 29407  
(843) 766-8101

I N D E X

WITNESS	PAGE
LAUREN LINDSAY KYLE	
Examination by Mr. Daigle	3

E X H I B I T S

(No exhibits proffered)

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Q All right. Go ahead and just sort of  
8 walk me through the day that you had the cat bite  
9 from the time you got to the SPCA until you got  
10 the cat off of you.

11

A I got there. They assigned me to a  
12 person that actually worked at the SPCA and --

13

Q Who was that?

14

A I'm not sure.

15

Q Okay.

16

A Then I believe we cleaned out a few dogs'  
17 cages, and then she went to go do something  
18 different. She told me to clean out the intake  
19 animals' cages.

20

Q What does that mean?

21

A The animals that were just brought in or  
22 the animals that were on quarantine. And I  
23 finished cleaning all the other animals' cages.

24

And there's this one cat. He was on the  
25 bottom cage. So I opened up the door, and I was

1 about to just start cleaning it out, and he walked  
2 out around the room. I figured, you know, I would  
3 just let him walk around. He had to be cooped up  
4 in a cage all day.

5           So I finished cleaning the cage, and I  
6 went to go pick the cat up, and the cat wrapped  
7 around my hand. His tooth went right there.

8. (Indicating) His claws went around there.

9 (Indicating)

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757744

**Teresa Winter**

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**From:** Maria Fitzharris [maria.fitzharris@att.net]  
**Sent:** Monday, April 20, 2015 1:48 PM  
**To:** Teresa Winter  
**Cc:** Amanda Maybank  
**Subject:** Re: Lauren Kyle v. SPCA

Teresa,

We have no objection to the amendment request to include Exhibit F of the Defendant's Motion to Dismiss/Summary Judgment as we discussed. I do ask that your office handle any reproduction requirements that the Court may require for the amended Record on Appeal (I will be glad to send you the file to add the pages to).

Thanks,  
Maria

Sent from my iPhone

On Apr 20, 2015, at 12:52 PM, Teresa Winter <[Teresa@maybanklaw.com](mailto:Teresa@maybanklaw.com)> wrote:

Maria:

Please see attached. Thank you.

Teresa G. Winter  
Paralegal  
Maybank Law Firm, LLC  
531 Savannah Highway  
P.O. Box 12579 (29422)  
Charleston, SC 29407  
Phone: 843-766-8101  
Fax: 843-766-8103  
email: [teresa@maybanklaw.com](mailto:teresa@maybanklaw.com)

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<Dorchester's Memo Support MTD Exhibits A-F (filed 8-29-12).pdf>

# MAYBANK LAW FIRM, LLC

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Amanda R. Maybank  
Marshall A. Earhart

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amanda@maybanklaw.com

**RECEIVED**  
APR 21 2015  
SC Court of Appeals

April 20, 2015

**By Federal Express**

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Lauren L. Kyle v. Dorchester County Chapter SPCA  
a/k/a Francis R. Willis SPCA  
Case No.: 2012-CP-18-393  
Appellate Case No.: 2013-000820  
Claim No.: 72-258-10  
MLF File No.: 104.088

Dear Ms. Kitchings:

Enclosed please find the following documents for filing with the court regarding the above referenced appeal:

1. Original and seven (7) copies of Consent Motion to Amend Respondent's Designation of Matter to be Included in the Record on Appeal;
2. Consent of counsel for Appellant;
3. Check in the amount of \$25.00 for the motion filing fee; and
4. Original and (15) Copies of the Supplemental Record on Appeal.

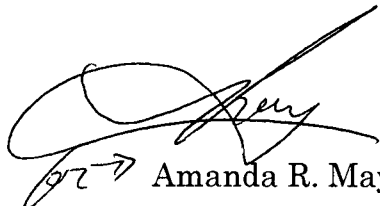
Please file the originals and return clocked copies for our file. A self-addressed, prepaid envelope is provided for this purpose.

By copy of this letter to Waring Howe, counsel for Appellate, I am serving him with a copy of same by U.S. Mail.

Should you have any questions, please do not hesitate to call.

With kind regards, I am

Yours truly,



ARM → Amanda R. Maybank

ARM/tgw

Enclosures

cc: Warring S. Howe, Jr., Esquire (by U.S. Mail)