

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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JUL 21 2015

SC Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Court Judge

Case No.: 2011-CP-37-279

Mariam R. NooraiAppellant,

v.

School District of Pickens County, School District
of Oconee County, and Gary Culler, Donald Boggs,
Richard Hudak, Earnestine Williams, Marilyn Raines,
and Dr. Kelly Pew in their individual capacities Respondents.

APPELLANT’S REPLY TO RESPONDENTS’ RETURN TO APPELLANT’S
MOTION TO SUPPLEMENT THE RECORD ON APPEAL INDEX

Appellant moved to supplement the record on appeal to include Appellant’s full deposition transcript. Respondents School District of Pickens County, Gary Culler, Donald Boggs, Richard Hudak, Marilyn Raines, and Dr. Kelly Pew (collectively, the “Pickens County Respondents”) filed their return opposing Appellant’s motion. Appellant now files her reply to Respondents’ return.

This motion concerns whether Appellant, during her summary judgment hearing, submitted to the trial court her full deposition transcript, and if not, whether she may now supplement the Record on Appeal to do so.

The Pickens County Respondents admit that during the summary judgment hearing Appellant submitted to the trial court “many excerpts from Appellant’s deposition.” (Resps.’ Return to Appellants’ Mot. at 1.) However, the Pickens County Respondents argue that Appellant did not “introduce[] the entire deposition of Appellant” during the summary judgment hearing. (*Id.* at 2.)

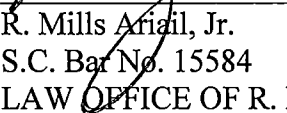
This Court should grant Appellant’s motion to supplement the record to include Appellant’s entire deposition transcript for several reasons. First, S. Paul Aaron,

Appellant's previous attorney who represented her at the summary judgment hearing, represented to the undersigned that he believed that opposing counsel submitted Appellant's entire deposition transcript to the trial court during the summary judgment hearing. Second, Judge Maddox stated during the hearing that he had "these depositions that have just been handed up." (Apr. 7, 2014 Summ. J. Hr'g Tr. at 20:23-20:25.) The undersigned has checked with the Oconee County Clerk's Office, who does not have a full copy of the transcript in its file. At the very minimum, there is a factual discrepancy as to whether the transcript was submitted to the court.

However, even if Appellant's entire transcript was not submitted to the trial court during the summary judgment hearing, this Court should grant Appellant's motion to supplement, because: (1) Respondents School District of Oconee County and Earnestine Williams have consented to the motion, and (2) supplementing the record with Appellant's full deposition transcript would not prejudice any of the Respondents.

Accordingly, Appellant respectfully requests that this Court GRANT her Motion to Supplement the Record on Appeal to include Appellant's entire deposition transcript.

July 16, 2015



R. Mills Arial, Jr.
S.C. Bar No. 15584
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PROOF OF SERVICE

I certify that I have served the Appellant's Reply to Respondents' Return to Appellant's Motion to Supplement the Record on Appeal Index by depositing a copy of it in the United States Mail, postage prepaid, on July 17, 2015, to all counsel of record listed below.

July 17, 2015

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SC Court of Appeals

Via US Mail

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Mariam R. Noorai vs. School District of Pickens County, et. al.
Appellate Case Number: 2014-001282

Dear Ms. Kitchings:

Enclosed please find Appellant's Reply to Respondents' Return to Appellant's Motion to Supplement the Record on Appeal Index along with a Proof of Service for the same.

Thank you for your consideration of this letter.

Sincerely,
LAW OFFICE OF R. MILLS ARIAIL, JR.
Attorney at Law



R. Mills Ariail, Jr.

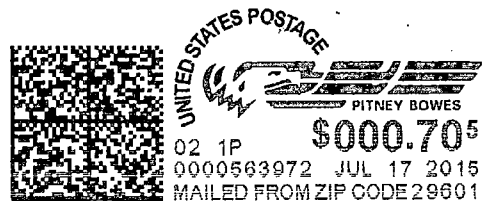
RMAjr/dl

Cc:
Thomas Kennedy Barlow
David T. Duff
Laura Callaway Hart
Mariam R. Noorai

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