

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge and Master-In-Equity

RECEIVED
AUG 25 2015
SC Court of Appeals

Appellate Case No. 2014-002249

Nicholls & Crampton, P.A.,

Appellant,

v.

Estate of Valerie D'Agostino,

Respondent.

APPELLANT'S MOTION TO AMEND
THE RECORD ON APPEAL

Pursuant to Rule 240 SCACR, Appellant, Law Office of Jay A. Mullinax, LLC, hereby moves for this Court to add to the Record on Appeal the Nicholls Deposition Defendant's Exhibit 4, an e-mail dated June 22, 2010. This document may be marked as R. pp. 660-661.

MEMORANDUM IN SUPPORT

On June 22, 2015, Respondent submitted his Designation of Matter to Appellant. In Appellant's preparation of the Record on Appeal, the Appellant mistakenly omitted the Nicholls Deposition Defendant's Exhibit 4, included in

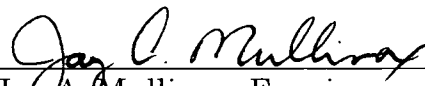
Respondent's Designation of Matter from the Record on Appeal.

On August, 10, 2015, Respondent e-mailed Appellant informing him of the omission and offering his written consent, per Rule 212(b), to amend the Record on Appeal by adding the Nicholls Deposition Defendant's Exhibit 4.

Appellant respectfully requests that this Court accept the enclosed Nicholls Deposition Defendant's Exhibit 4, which was mistakenly omitted from the Record on Appeal. Appellant also respectfully requests that this Court accept the enclosed document to be marked as R. pp. 660-661 in the Record on Appeal.

Respectfully submitted,

August 20, 2015


Jay A. Mullinax, Esquire
Law Office of Jay A. Mullinax, LLC
2 Park Lane, Suite 303
Hilton Head Island, SC 29928
(843) 785-6101
Bar No. 68293
Attorney for Appellant

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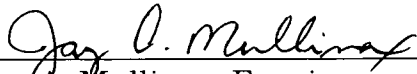
Estate of Valerie D'Agostino,

Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Appellant's Motion to Amend Record on Appeal on the Estate of Valerie D'Agostino by depositing a copy of it in the United States Mail, postage prepaid on August 20, 2015, addressed to its attorney of record, Mr. J. Ashley Twombly, Twenge + Twombly Law Firm, LLC, 311 Carteret Street, Beaufort, South Carolina 29902.

August 20, 2015


Jay A. Mullinax, Esquire
Law Office of Jay A. Mullinax, LLC
2 Park Lane, Suite 303
Hilton Head Island, SC 29928
(843) 785-6101
Bar No. 68293
Attorney for Appellant



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SC Court of Appeals

VIA U.S. POSTAL SERVICE

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

Re: Nicholls & Crampton, P.A., v. Estate of Valerie D' Agostino
Case No. 2013-CP-07-01491
Appellate Case No. 2014-002249

Dear Ms. Kitchings:

Enclosed please find one (1) original and six (6) copies of our Motion to Amend the Record on Appeal, Proof of Service, and check in the amount of twenty-five dollars (\$25.00) for filing fees.

We would appreciate if you could file the originals and return the clocked copies to us using the self-addressed stamped envelope enclosed for your convenience. If you have questions, please don't hesitate to contact our office. Thank you for your time and attention to this matter.

Very truly yours,

LAW OFFICE OF JAY A. MULLINAX, LLC

Jay A. Mullinax, Esquire

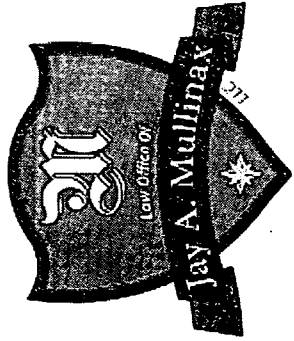
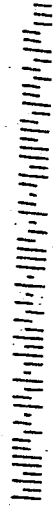
/Enclosures

JAM:alh

Cc: J. Ashley Twombly, Esquire (w/o enclosures)



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