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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SEP 14 2015

The Honorable DeAndrea Gist Benjamin, Circuit Court Judge

SC Court of Appeals

Case No. 2001-CP-40-04203
Appellate Case No. 2014-001826

EDWIN M. SMITH, JR..... APPELLANT,

vs.

DAVID FEDOR, RESPONDENT.

APPELLANT’S MOTION TO SUPPLEMENT THE RECORD ON APPEAL

Pursuant to South Carolina Appellate Court Rule 212(b), Appellant Edwin M. Smith, Jr., at the request of counsel for Respondent David A. Fedor, moves to supplement the Record on Appeal to include a document originally designated by Respondent in his Designation of Matter to be Included in the Record on Appeal but inadvertently omitted by Appellant’s counsel in the previously filed Record on Appeal. Appellant’s counsel earlier filed with this Court and served on Respondent’s counsel a Record on Appeal on August 24, 2015. The previously filed Record on Appeal did not contain a designated document titled “Plaintiff’s Response to Defendant’s 60(b) Motion”.¹ Along with this Motion,

¹ The omitted document titled “Plaintiff’s Response to Defendant’s 60(b) Motion” was not in the file of Appellant counsel, who like Respondent’s counsel, were not the trial counsel on the Rule 60(b), SCRCR motion. The originally filed Record on Appeal contained a similarly titled document “Plaintiff’s Memorandum in Opposition to Defendant’s Motion to Vacate Judgment” which Appellant’s counsel misunderstood to be the same document requested by Respondent’s counsel.

Appellant is filing fifteen (15) copies of an Appendix to the Record on Appeal containing the document titled "Plaintiff's Response to Defendant's 60(b) Motion".

Respectfully submitted,

THE GILREATH LAW FIRM, P.A.

By: William M. Hogan
William M. Hogan (S.C. Bar No. 65272)
James R. Gilreath (S.C. Bar No. 02133)
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ATTORNEYS FOR APPELLANT

September 11, 2015
Greenville, South Carolina.

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In The Court of Appeals

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The Honorable DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2001-CP-40-4203R
Appellate Case No. 2014-001826

EDWIN M. SMITH, JR.APPELLANT,


vs.

DAVID FEDOR,RESPONDENT.

PROOF OF SERVICE

This is to certify that I have this day served counsel for the Appellant in the foregoing matter with a copy of the **APPELLANT'S MOTION TO SUPPLEMENT THE RECORD ON APPEAL** by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows to:

Katherine Carruth Goode, Esquire
229 South Congress Street
P.O. Box 1175
Winnsboro, South Carolina 29180


William M. Hogan (S.C. Bar No. 65272)
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September 11, 2015
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SC Court of Appeals

VIA FEDERAL EXPRESS

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

RE: *Edwin M. Smith, Jr. v. David Fedor*
Appellate Case No. 2014-001826

Dear Ms. Kitchings:

Enclosed are the original and seven (7) copies of the Appellant's Motion to Supplement the Record on Appeal with Proof of Service. Also enclosed please find the unbound original and fifteen (15) bound copies of the Appendix to the Record on Appeal. Also enclosed are an original and one copy of the Proof of Service. Please return a file stamped copy of the Motion to Supplement the Record on Appeal, the Appendix to the Record on Appeal, and Proof of Service to me in the enclosed envelope.

Also enclosed are the original and seven (7) copies of the Appellant's Motion to Amend Record on Appeal and for Extension of Time to File Final Briefs with Proof of Service. Please return a file stamped copy of the motion and Proof of Service to me in the enclosed envelope.

Enclosed is a check in the amount of \$50 for the filing fee for these motions.

By copy of this letter to opposing counsel, I am serving her with the same.

Thank you for your assistance in this matter. If you have any questions or need anything further, please let me know.

Sincerely,



William M. Hogan

Honorable Jenny Abbott Kitchings

Page 2

September 11, 2015

WMH/kmk

Enclosures

cc: Katherine Carruth Goode, Esquire (w/enclosures)

ORIGIN ID:LQKA (864) 242-4727
JAMES GILREATH
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GREENVILLE, SC 29601
UNITED STATES US

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SOUTH CAROLINA COURT OF APPEALS
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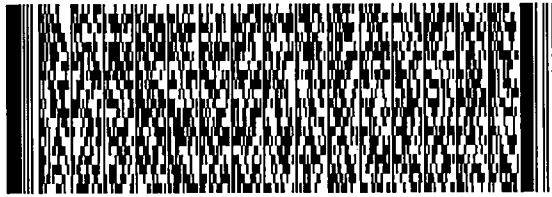
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SEP 14 2015

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SC Court of Appeals



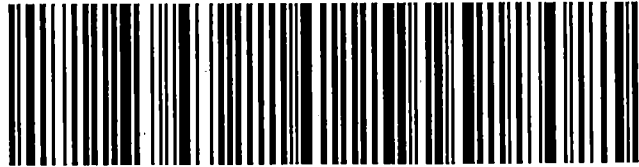
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