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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Edward W. Miller, Circuit Court Judge

RECEIVED

Trial Case No.: 2011-CP-23-07338
Appellate Case No. 2015-000162

SEP 28 2015

SC Court of Appeals

Pankaj Patel, individually and derivatively on behalf of Nominal Defendant,
VP Enterprises, Inc.,Appellant,

v.

Krish Patel, Vijay Patel, and P Communications, Inc., Respondents.

**APPELLANT'S MOTION TO OBTAIN DVD OF
VIDEO DEPOSITIONS PLAYED AT TRIAL**

Pursuant to South Carolina Appellate Court Rule 210(f), Appellant Pankaj Patel, individually and derivatively on behalf of Nominal Defendant, VP Enterprises, Inc. ("Appellant"), with the consent of counsel for Respondents, moves before this Court for an order to the Lower Court, or the clerk of court thereof, for delivery to the Court of Appeals of the DVD containing the video deposition excerpts of Krish Patel and Vijay Patel played at the trial of this case. Appellant has designated the DVD containing the video excerpts from the depositions of Krish Patel and Vijay Patel and played at trial on July 22, 2014 as items to be included in the Record on Appeal. The DVD contains the relevant deposition testimony of Respondents Krish Patel and Vijay Patel observed by the Lower Court judge at trial. Since the deposition excerpts of Krish Patel and Vijay Patel

were presented through video, this Court's review of the video deposition excerpts would place it in an equal position with the Lower Court in judging the impact of the deposition excerpts of Krish Patel and Vijay Patel. See, Macaulay v. Wachovia Bank of S.C., N.A., 351 S.C. 287, 296, 569 S.E. 2d 371, 376 (Ct. App. 2002)(stating that the appellate court is in an equal position with the trial court to judge testimony presented through video deposition).

Respectfully submitted,

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September 25, 2015
Greenville, South Carolina.

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In The Court of Appeals

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VP Enterprises, Inc., APPELLANT,

v.

Krish Patel, Vijay Patel, and P Communications, Inc., RESPONDENTS.

and

VP Enterprises, Inc., APPELLANT.

PROOF OF SERVICE OF APPELLANT'S MOTION

This is to certify that I have this day served counsel for the Respondents in the foregoing matter with a copy of the foregoing **APPELLANT'S MOTION TO OBTAIN DVD OF VIDEO DEPOSITIONS PLAYED AT TRIAL** by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

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207 Whitsett Street
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September 25, 2015

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