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STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS

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NOV 25 2015

SC Court of Appeals

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action Nos.: 2010-CP-10-9096
And 2011-CP-10-8840
Appellate Case Tracking No. 2014-001247

Frank Gordon, Jr., Individually and as Trustee
of Dorothy S. Gordon (Deceased) Trust,

Respondent,

v.

Donald W. Lancaster,

Appellant.

**Motion for Leave to File
Supplemental Record on Appeal**

Stephen P. Groves, Sr., Esquire
S.C. Bar No. 007854
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John J. Dodds, III, Esquire
S.C. Bar No. 001707
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Mount Pleasant, South Carolina 29464
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Attorneys for the Appellant

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Appellant, Donald W. Lancaster ("Mr. Lancaster"), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully requests this Court of Appeals to grant him leave to file a Supplemental Record on Appeal (the "Supplemental ROA") in this appellate matter. The basis for this motion is that, through inadvertence by all of the appellate parties herein certain designated documents were not originally included in the three-volume Record on Appeal previously filed with this Court of Appeals. Counsel for all of the appellate parties herein join in and consent to this motion.

Consequently, anticipating a favorable reception and subsequent grant of this motion, Mr. Lancaster has prepared and is hereby anticipatorily filing (in conjunction with this Motion for Leave), the original and 15 copies of the Supplemental ROA.

Finally, Mr. Lancaster respectfully requests this Court of Appeals to hold the briefing time in abeyance until such time as this joint motion may be considered and ruled upon.

Respectfully submitted:

NEXSEN PRUET, LLC

By: 

Stephen P. Groves, Sr., Esquire

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Attorneys for the Appellant

Charleston, South Carolina

23 November 2015

NPCHAR1:1652977.1-APL-(SPG) 053211-00001

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Frank Gordon, Jr., Individually and as Trustee
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Appellant.

Proof of Service for Motion for Leave

Stephen P. Groves, Sr., Esquire
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Attorneys for the Appellant

I, Stephen P. Groves, Sr., Esquire, hereby certify that on 25 September 2015, I served a copy of the **Motion for Leave to File Supplemental Record on Appeal** submitted by the Appellant, Donald W. Lancaster, on counsel for the Respondent via the United States Mail, postage pre-paid, and addressed as follows:

Justin O'Toole Lucey, Esquire
Stephanie L. Drawdy, Esquire
JUSTIN O'TOOLE LUCEY, P.A.
415 Mill Street
Mount Pleasant, South Carolina 29201
Telephone: 843.849.8400
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E-Mail: jlucey@lucey-law.com
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Attorneys for the Respondent

Signed: _____

Stephen P. Groves, Sr.

Charleston, South Carolina

23 November 2015

23 November 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court Of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust v Donald W. Lancaster

Appeal from the Charleston County
Court of Common Pleas

Case Action No.: 2011-CP-10-8840
Case Action No.: 2010-CP-10-9096
Appellate Case Tracking No.: **2014-001247**
(Consolidated Cases)
NP File No.: 053211-00001

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Motion for Leave to File Supplemental Record on Appeal in the above-referenced consolidated appellate matters. I also enclose a Proof of Service indicating service of the Motion for Leave to File Supplemental Record on Appeal and the Proof of Service upon counsel for the Respondent. Finally, I enclose our firm check in the amount of \$25.00 as payment for the filing fee.

I would greatly appreciate you filing the Motion for Leave to File Supplemental Record on Appeal and the Proof of Service with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addresses, stamped envelope. By copy of this letter, I am serving the Respondent's counsel with a copy of the referenced documents.

In anticipation of a favorable reception of this Motion for Leave to File Supplemental Record on Appeal, I also enclose the following documents which are being submitted by and on behalf of the Appellant, Donald W. Lancaster, in the case:

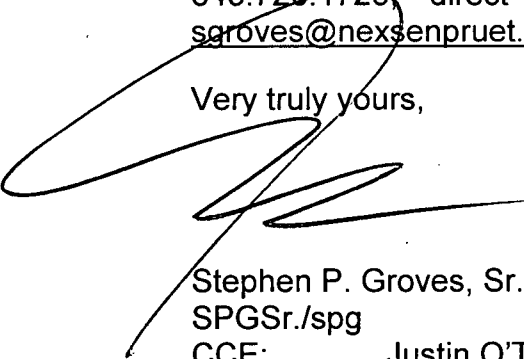
Hon. Jenny Abbott Kitchings
Clerk of Court
23 November 2016
Page 2

- a. Sixteen (16) copies of the **Supplemental Record on Appeal** (one copy unbound in a marked white envelope); and
- b. Original and one copy of a **Proof of Service** for the **Supplemental Record on Appeal**;

I would also appreciate your filing these documents with the Court of Appeals and returning **one stamped copy of each** to my attention in the enclosed self-addressed stamped envelope. As noted in the listing, I have enclosed **unbound** copies of the **Supplemental Record on Appeal** pursuant to this Court of Appeal's standing directions.

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is sgroves@nexsenpruet.com.

Very truly yours,



Stephen P. Groves, Sr.
SPGSr./spg

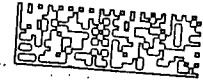
CCE: Justin O'Toole Lucey, Esquire (Briefs only)
John J. Dodds, III, Esquire (Briefs only)
Mr. Donald W. Lancaster (Briefs only)

Hasler

11/23/2015

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