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CALLISON  TIGHE

January 12, 2016

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JAN 12 2016

SC Court of Appeals

VIA Hand Delivery

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

**Re: *Stacey Sellers v. Tech Services*
Appellate Case No. 2015-001676
Our File No.: 3399.383**

Dear Madam Clerk:

I represent the Appellants in the above-referenced appeal. I am writing to seek clarification regarding the appropriate procedure by which the parties can provide the Court with a non-paper item that the Respondent has included in his Designation of Matter to be Included in the Record on Appeal. The item at issue consists of physical clothing—a uniform. Naturally, this item does not reasonably lend itself to accurate reproduction in a paper record.

It is my understanding that the uniform need not be included in the Record on Appeal, but should be filed separately pursuant to Rule 210(f), SCACR. The uniform was presented during the hearing before the single commissioner; however, the Workers' Compensation Commission did not retain custody of the uniform. Instead, Respondent's counsel retained the uniform in his custody.

Rule 210(f), SCACR, notes that the trial court must retain all non-paper exhibits, and that the trial court must deliver the non-paper exhibits to the appellate court upon receipt of an order from the clerk of the appellate court. This is the procedural hiccup—the Workers' Compensation does not have the uniform, Respondent's counsel does.

I believe the proper procedure would consist of this Court directing Respondent's counsel to file the uniform separately with the Court and for Appellants to note in the Record on Appeal that the uniform is being filed separately. Nevertheless, a different procedure may be more appropriate. Accordingly, I seek your clarification regarding the appropriate procedure in this circumstance.

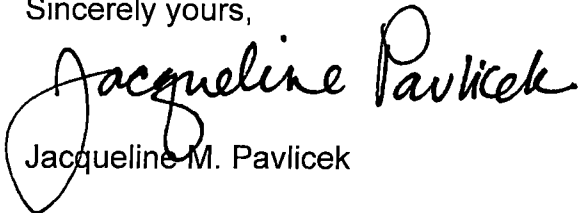
Finally, I note that Appellants' deadline to serve the Record on Appeal upon Respondent is this Friday, January 15, 2016. Thank you for your prompt attention to this inquiry.

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If you have any questions or need anything further regarding this matter, please do not hesitate to contact me.

With warm regards, I remain

Sincerely yours,

A handwritten signature in black ink that reads "Jacqueline Pavlicek". The signature is written in a cursive style with a large, looping initial "J".

Jacqueline M. Pavlicek

JMP

cc: Robert F. Goings
Richard C. Detwiler

Pavlicek

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