

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal From York County
Court of Common Pleas
S. Jackson Kimball, Special Circuit Court Judge

RECEIVED

Appellate Case No. 2015-000079

JAN 21 2016

SC Court of Appeals

Nadine Brantley Appellant,

v.

The City of Rock Hill, South Carolina,
a body politic and subdivision of the
State of South Carolina, and Wherry
Construction Co., Inc.,

Of which the City of Rock Hill is Respondent.

REPLY IN SUPPORT OF MOTION TO REJECT RECORD ON APPEAL

Respondent City of Rock Hill (the "City") hereby submits the following in reply to Appellant's Return to Motion to Reject Appellant's Record on Appeal (the "Return").


1. Consent to Motion. After numerous readings, the City remains unsure of the position being asserted by Appellant in the Return. Appellant may consent to Motion given the first paragraph of the Return seems to indicate Appellant's intention to amend the Record on Appeal to comply with the rules of court and include all matter designated by the City.

2. Content of Record on Appeal. To the extent Appellant does not consent to the Motion, the content of the Record on Appeal is not voluntary or subject to unilateral election. The Record on Appeal is governed by Rule 210(c), SCACR. "The Record on Appeal shall include all matter designed to be included by any party under Rule 209 and shall comply with the requirements of Rule 267." Id. In the Motion, the City requests that the Record on Appeal conform to Rule 210(c), SCACR. As to Appellant's contention that Exhibit A to the deposition transcript of Ronald E. Wright (one of Appellant's retained expert witnesses) is "not relevant to these proceedings," the City notes that this deposition transcript, including exhibits, was included in the record below.

Wherefore, the City respectfully requests that this Court grant the relief requested in the City's Motion to Reject Appellant's Record on Appeal.

Respectfully Submitted,
SPENCER & SPENCER, P.A.

Date: January 19, 2016

By: 

W. Mark White
Jeremy D. Melville
226 East Main Street
P.O. Box 790
Rock Hill, SC 29731
Tel: (803)327-7191
Fax: (803)327-3868

ATTORNEYS FOR THE CITY

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal From York County
Court of Common Pleas
S. Jackson Kimball, Special Circuit Court Judge

Appellate Case No. 2015-000079

Nadine Brantley Appellant,

v.

The City of Rock Hill, South Carolina,
a body politic and subdivision of the
State of South Carolina, and Wherry
Construction Co., Inc.,

Of which the City of Rock Hill is Respondent.

RECEIVED

JAN 21 2016

SC Court of Appeals


PROOF OF SERVICE

I certify that I have served the Reply in Support of
Motion to Reject Record of Appeal by depositing a copy in the
United States Mail, postage prepaid, on January 19, 2016,
addressed to counsel of record as follows:

Nadine Brantley
9501 Greyson Ridge Drive
Charlotte, NC 28277

SPENCER & SPENCER, P.A.

Date: January 19, 2016

By:  _____
W. Mark White
Jeremy D. Melville
226 East Main Street
P.O. Box 790
Rock Hill, SC 29731
803/327-7191 - Telephone
803/327-3868 - Facsimile
markwhite@spencerfirm.com

ATTORNEYS FOR RESPONDENTS

SPENCER & SPENCER
PROFESSIONAL ASSOCIATION

Attorneys and Counselors at Law

C.E. SPENCER (1849-1921)
C.W.F. SPENCER (1876-1956)
C.W.F. SPENCER, JR. (1911-1985)
EMIL W. WALD (1934-2011)
W.C. SPENCER †
WILLIAM L. "RED" FERGUSON †
PAUL W. DILLINGHAM
W. MARK WHITE*
W. CHAPLIN SPENCER, JR.*
R. ALEXANDER SULLIVAN*
R. BRENT THOMPSON*
JEREMY D. MELVILLE*

† Of Counsel
* Also admitted in NC

RECEIVED

JAN 21 2016

SC Court of Appeals

SUITE 200
226 EAST MAIN STREET
P.O. BOX 790
ROCK HILL, S.C. 29731-6790
Telephone
803-327-7191
Telecopier
803-327-3868
E-Mail Address
markwhite@spencerfirm.com
Website
www.spencerfirm.com

January 19, 2016

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

Re: Nadine Brantley v. The City of Rock Hill, et al.
Appellate Case No.: 2015-000079

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of the Reply to Return to Motion to Reject Record on Appeal and Proof of Service. Please file the originals with the records of the Court of Appeals and return clocked copies to me in the enclosed envelope.

Thank you for your assistance.

Respectfully,

SPENCER & SPENCER, P.A.



W. Mark White

enclosures

cc: Nadine Brantley



Hasler

FIRST-CLASS MAIL

01/19/2016

US POSTAGE

\$02.30⁰⁰



ZIP 29730
011D10641778

First Class Mail

SPENCER & SPENCER, P.A.
ATTORNEYS AT LAW
P.O. Box 790
ROCK HILL, SC 29731-6790

RECEIVED

JAN 21 2016

SC Court of Appeals

To: The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201