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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA  
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge  
Trial Court Case No.: 2013-CP-40-03078

RECEIVED

JAN 19 2016

SC Court of Appeals

Appellate Case No.: 2015-000740

Clarence S. Gregory, #227394,.....Appellant,

v.

Riley, Pope & Laney, LLC,.....Respondent,

**RESPONDENT'S NOTICE OF DEFICIENCY OF RECORD ON APPEAL  
AND MOTION TO FILE A SUPPLEMENTAL RECORD ON APPEAL**

Respondent hereby moves pursuant to Rule 212(b), SCACR, for an Order allowing the Respondent to supplement the Record on Appeal.

In preparing Respondent's Final Brief, it was discovered that the Record on Appeal does not contain the complete Complaint on record with the Circuit Court. Specifically, the Complaint in the Record on Appeal appears at R. pp. 67-141. While the Summons and first page of the Complaint correctly bear the filing stamp of the Richland County Clerk of Court dated May 22, 2013, the Affidavit of Service does not bear the filing stamp and, in fact, is not the Affidavit of Service on record with the court. (R. pp. 67-68, 141). As evidenced by the attached Exhibit, the Affidavit of Service on record with the Circuit Court is dated May 15, 2013, and bears the filing stamp of the Richland County Clerk of Court dated May 22, 2013. [Exhibit 1].

The document requested goes to Respondent's statute of limitations argument which was raised in Respondent's Initial Brief at page 8.

To the extent the incorrect document was included by mistake, Respondent respectfully requests that an Order be issued Appellant correct the deficiency by filing and serving a Supplemental Record on Appeal and for such other and further relief as the Court deems just and proper.

**RILEY, POPE & LANEY, LLC**



DAMON C. WLODARCZYK

P.O. Box 11412

Columbia, South Carolina 29211

(803) 799-9993 – Office

(803) 239-1414 – Facsimile

[damonw@rplfirm.com](mailto:damonw@rplfirm.com)

Counsel for the Respondent

Columbia, South Carolina  
January 19, 2016

94

# C/A NO: 2013-CP-40-03078

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND )

FIFTH (5TH) JUDICIAL CIRCUIT

Clarence S. Gregory, #227394,

Plaintiff,

C/A NO.: 2013CP4003078

vs.

Riley Pope & Laney, LLC, Law Firm,  
Attorney(s) And Counselor(s) at Law;  
individually And individually named,  
Theodore D. Riley, T. Lowndes Pope,  
LeRoy Free Laney, Nikole H. Boland,  
OF WHOM, ALL ARE SUED IN THEIR INDIVIDUAL  
AND PROFESSIONAL CAPACITIES, RILEY POPE &  
LANEY, LIMITED LIABILITY CONTRACTOR(S)  
(LLC);

AND

Heath McAlvin Stewart, III, individually,  
AND individually named,

OF WHO, FORMERLY EMPLOYED WITH RILEY POPE  
& LANEY, LLC, LAW FIRM, AN AGENT ATTORNEY,  
IS SUED IN HIS INDIVIDUAL AND PROFESSIONAL  
CAPACITIES, ET AL.,

ALL WHO ARE NAMED AS,

Defendant(s).

AFFIDAVIT OF SERVICE  
BY VIA U.S. REGULAR  
MAIL

2013 MAY 22 PM 12:16  
SEARCHED  
SERIALIZED  
C.D.P. 2 G.S.  
RICHLAND COUNTY

PERSONALLY APPEARED before me, CLARENCE S. GREGORY, #227394,

who first being duly sworn, depose and says:

That, I am the Pro'se Plaintiff and Affiant in the above-captioned  
entitled matter, and I hereby, have served/mailed an original Summons, Complaint  
motion and Verification, with this Affidavit of Service forward to: The Honorable  
Jeanette W. McBride, Clerk of Court, Fifth Judicial Center, 1701 Main Street,  
Post Office Box 2766, Richland County, Columbia, South Carolina Zip Code 29202-  
2766, from the Broad River Correctional Institution (BRCI), Mailroom, 4460  
Broad River Road, Richland County, Columbia, South Carolina 29210-4012, bearing  
proper Via Regular United States' Mail as postage as it appears on this  
day of October, 2012.

May 15, 2013

SWORN and Subscribed to and before me,  
This 15 day of May, 2013.

Clarence S. Gregory  
CLARENCE S. GREGORY, #227394

Evrene Keith  
Notary Public, State of South Carolina  
My Commission Expires: April 4, 2016

EXHIBIT  
tabbies

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Clarence S. Gregory, #227394,.....Appellant,


v.

Riley, Pope & Laney, LLC,.....Respondent,

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be served upon the person named below the attached **Respondent's Notice of Deficiency and Motion for to File a Supplemental Record on Appeal** in the above-captioned matter via United States mail, first-class postage prepaid, to the following individuals:

Clarence S. Gregory, Inmate #227394  
Broad River Correctional Institution  
Murray Unit, B-Wing Room 234  
4460 Broad River Road  
Columbia, South Carolina 29210-4012

  
Damon C. Wlodarczyk

Columbia, SC  
January 19, 2016

RILEY POPE & LANEY, LLC  
ATTORNEYS AND COUNSELORS AT LAW

2838 DEVINE STREET  
POST OFFICE BOX 11412 (29211)  
COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE  
(803) 799-9993

FACSIMILE  
(803) 239-1414

January 19, 2016

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JAN 19 2016

SC Court of Appeals

(VIA HAND DELIVERY)  
The South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: Clarence S. Gregory, #227394 v. Riley Pope & Laney, LLC  
Appellate Case No.: 2015-000740  
Our File: 5052.00713

Dear Clerk:

Please find enclosed for filing the original and seven (7) copies of each of the following motions along with proof of service:

Respondent's Motion for Extension of Time to File and Serve Final Brief;

Respondent's Notice of Deficiency of Record on Appeal and Motion to File a Supplemental Record on Appeal.

Please return one filed, clocked copy of each to me with my courier. Also included is my firm's check in the amount of \$50.00 to cover the filing fees. Please do not hesitate to contact me with questions.

Thank you for your kind assistance in this matter.

Very truly yours,



Damon C. Wlodarczyk

DCW/

Enclosures

cc: Clarence S. Gregory, #227394