

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

FEB 01 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, DOPE & LANEY, LLC



DAMON C. WLODARCZYK

P.O. Box 11412

Columbia, South Carolina 29211

(803) 799-9993 – Office

(803) 239-1414 – Facsimile

damonw@rplfirm.com

Counsel for the Respondent

Columbia, South Carolina
January 19, 2016

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

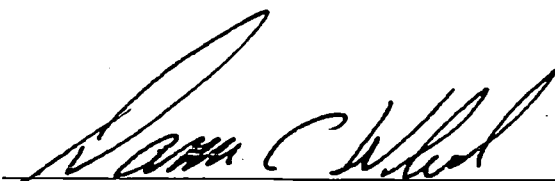
v.

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

94

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

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Clarence S. Gregory, #227394,

Plaintiff,

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).

IN THE COURT OF COMMON PLEAS
FIFTH (5TH) JUDICIAL CIRCUIT

C/A NO.: 2013CP4003078

AFFIDAVIT OF SERVICE
BY VIA U.S. REGULAR
MAIL

2013 MAY 22 PM 12:16
JEANETTE W. MCHILDE
CLERK OF COURT
FIFTH JUDICIAL CIRCUIT
RICHLAND COUNTY

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

who first being duly sworn, depose and says:

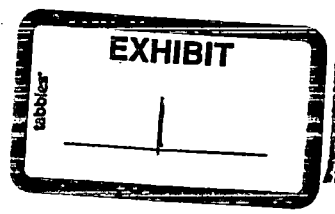
That, I am the Pro'se Plaintiff and Affiant in the above captioned
entitled matter, and I hereby, have served/mailed an original Summons, Complaint
motion and Verification, with this Affidavit of Service forward to: The Honorable
Jeanette W. McHilde, Clerk of Court, Fifth Judicial Center, 1701 Main Street,
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

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



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Appellate Case No.: 2015-000740

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

v.

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

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE AND
SERVE FINAL BRIEF**

Counsel for the Respondent moves pursuant to Rule 263(b), SCACR, for an extension of time in which to file and serve Respondent's Final Brief. The grounds for this motion are that there is good cause to grant the requested extension as set forth:

- 1) This is the first request for an extension of this type by Respondent's counsel;
- 2) Respondent current deadline for filing its Final Brief was January 7, 2016;
- 3) Through an oversight, Respondent's Final Brief was calendared to be due on January 19, 2016 (using 30 days instead of 20 days from service of the Record on Appeal). The error was not discovered until preparing this motion.
- 4) In preparing the Final Brief, it was further discovered that the copy of the Plaintiff's Complaint at issue in this case did not include the filed "Affidavit

of Service By Via [sic] U.S. Mail” dated and sworn to on May 15, 2013 upon which Respondent’s statute of limitation argument relies. Respondent has filed and served contemporaneously herewith a Motion to Supplement the Record on Appeal to include the omitted document.

WHEREFORE Respondent’s counsel prays for an Order extending the time in which to file and serve Respondent’s Final Brief by ten (10) days from the date the Court rules upon the Motion to Supplement the Record on Appeal.

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

Counsel for the Respondent

Columbia, South Carolina
January 19, 2016

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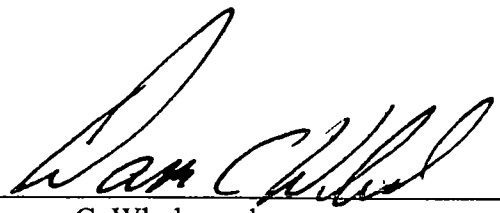
v.

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 Motion for an Extension of Time to File and Serve Final Brief** 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. Włodarczyk

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

RECEIVED

FEB 01 2016

SC Court of Appeals
FACSIMILE
(803) 235-1414

January 19, 2016

(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. Włodarczyk

DCW/
Enclosures
cc: Clarence S. Gregory, #227394



UNITED STATES POSTAGE
 PITNEY BOWERS
 02 1M \$ 02.08
 0008003534 JAN 27 2016
 MAILED FROM ZIP CODE 29210

LEGAL MAIL

CLARENCE S. GREGORY, # 227394
 Clo BRCT, MURRAY Unit, B-Wing Rm. 234
 4460 Broad River Road
 Columbia, S.C. 29210-4012

VIA U.S. Regular Mail TO: The S.C. Court of Appeal
 Clo Honorable Jenny A. Kitchings
 Clerk of Court
 Post Office Box 11629
 Columbia, S.C. 29211-1629

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 FEB 08 2016

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BRCT
 MAILROOM

SC Court of Appeals

