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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

RECEIVED
MAR 02 2016
SC Court of Appeals

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

John M. English,

Appellant,

v.

Ellen Sexton and John E.
White, Jr.,

Respondents

SUPPLEMENTAL RETURN TO APPELLANT'S MOTION TO REINSTATE
AND MOTION OF RESPONDENT

Respondent hereby objects to the Appellant's Motion to Reinstate upon grounds that have arisen since Respondent's prior return and the Order of Justice Cureton filed February 5, 2016. Respondent makes the within motion based upon such Order and such recent events.

Respondent objects to the Record on Appeal served by Appellant as it does not include the transcript of testimony which Appellant listed in his designation of matter to be included on appeal, or the errata sheet of the court reporter which this respondent listed in this respondent's designation of additional matters to be included on appeal, thereby denying due process to this respondent as well as making it impossible for Respondent to comply with the rules governing submission of a final brief if this appeal is reinstated.

Respondent hereby moves that the Court deny the motion to reinstate upon the grounds that after the case was dismissed for failure to file a Record on Appeal and after Appellant was given by Justice Cureton's order the opportunity to correct that deficiency in order to support his motion to reinstate, Appellant ignored his own representation that he would include the transcript of record.

February 29, 2016



John Evander White, Jr.

5305 Sumters Run

North Charleston, South Carolina 29418

(843) 327-0850

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APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

John M. English,

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Respondents

MEMORANDUM OF AUTHORITIES

This Respondent would respectfully draw to the Court's attention the following:

- (a) Appellant's appeal was dismissed for failing to file a Record on Appeal, whereupon counsel for Appellant filed a motion to reinstate and this Respondent filed a return objecting to reinstatement with a memorandum of authorities;
- (b) Justice Cureton issued an order filed February 5, 2016, a copy of which is attached hereto as Exhibit "A", which needs no summary;
- (c) Despite having represented in his designation of matter to be included on appeal that he would include the transcript of hearing, Appellant served on Respondent a Record on Appeal which did not include the transcript of hearing;
- (d) Despite this Respondent's reliance on such representation in Respondent's designation of additional matter to be included on appeal, which also included the court reporter's errata sheet and this respondent's reliance upon such representation in Respondent's Initial Brief, the Record on Appeal as served did not include either the transcript of testimony or the court reporter's correction of the record.
- (e) This respondent's motion to dismiss the appeal, at least as to this respondent, based upon the meritless nature of the appeal as to this respondent, has not been ruled upon.

It is respectfully submitted that:

- (a) Consideration of only those matters which Appellant has chosen to be included in the Record on Appeal violates Rule 209, SCACR and would work as a deprivation of due process for this Respondent;
- (b) The failure of Appellant again to follow court rule concerning the record on appeal has already once resulted in a dismissal of the case and the motion to reinstate should be denied for such additional noncompliance;
- (c) As it now stands, Respondent cannot comply with the terms of Rule 211 which allows variance from the initial briefs only in the case of typographical and

obvious clerical errors and which requires cites to include the location in the Record on Appeal.

This respondent respectfully requests an order denying Appellant's motion to reinstate upon the grounds previously submitted to the Court and these supplemental grounds since arising.

RESPECTFULLY SUBMITTED.

February 29, 2016



John Evander White, Jr.

5305 Sumters Run

North Charleston, South Carolina 29418

(843) 327-0850

The South Carolina Court of Appeals

John M. English, Appellant,

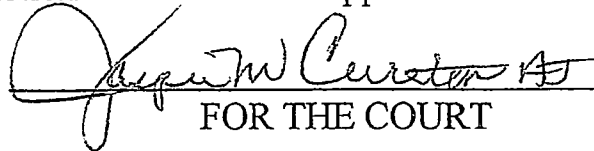
v.

Ellen Sexton and John E. White, Jr., Respondents.

Appellate Case No. 2014-002661

ORDER

Appellant shall serve the record on appeal within ten days of this order and provide proof of service with this court. Upon receipt, or the expiration of ten days, this court will consider Appellant's motion to reinstate this appeal.


FOR THE COURT

Columbia, South Carolina

cc:
David A. Collins, Esquire
G. Thomas Hill, Esquire
John Evander White, Jr.

FILED
2/5/16

Exhibit A^d

STATE OF SOUTH CAROLINA

In the Court of Appeals

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MAR 02 2016

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

Case Number 2010-CP-10-7241

John M. English,

Appellant

v.

Ellen Sexton and John E. White, Jr.,

Respondents

PROOF OF SERVICE

I certify that I served

1. Supplemental Return to Appellant's Motion to Reinstate and motion of Respondent;
2. Memorandum of Authorities; and,
3. Proof of service.

upon all other counsel of record by depositing a copy thereof in the United States mail, postage prepaid, on February 29, 2016, addressed as follows:

David A. Collins, Esquire

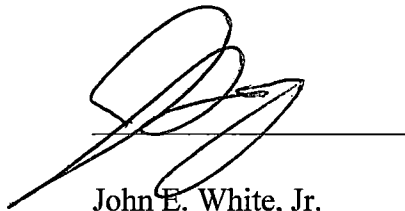
Post Office Box 40978

North Charleston, SC 29423

G. Thomas Hill, Esquire

6209 Savannah Highway

Ravenel, SC 29470



John E. White, Jr.

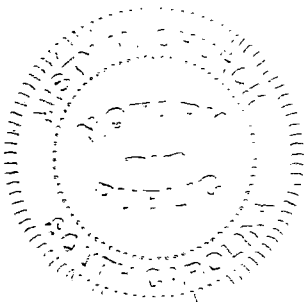
SWORN TO BEFORE ME THIS

29th Day of February, 2016

Misty M Church

Notary Public for South Carolina

My commission expires: 5/22/2016



THE WHITE LAW FIRM, LLC

5305 Sumters Run
North Charleston, South Carolina 29418
Phone (843) 327-0850 / e-Fax (864) 751-4197
Email: vanwhitelaw@live.com

February 29, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1013 Sumter Street
Columbia, South Carolina 29201

RECEIVED
MAR 02 2016
SC Court of Appeals

RE: John M. English v. Ellen Sexton
Case No. 2014-002661
Lower Court Case No. 2010-CP-10-7241

Dear Ms. Kitchings:

Please find enclosed herewith my check for \$25.00 and the original and 7 copies of the following:

1. Supplemental Return to Appellant's Motion to Reinstate and motion of Respondent;
2. Memorandum of Authorities; and,
3. Proof of service.

Please file the original and 6 copies of each and please return one copy to me in the self-addressed, stamped envelope provided. Should you have any questions or concerns, please do not hesitate to contact me.

Thank you.

Sincerely,



John E. White, Jr.

cc: David A. Collins, Esq.
G. Thomas Hill, Esq.



1000



29201

U.S. POSTAGE
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The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1013 Sumter Street
Columbia, South Carolina 29201