

79124

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

The Honorable Clifton B. Newman, Presiding Judge

Case No.: 2010-CP-26-10848
Appellate Court Case No.: 2015-001398

RECEIVED

APR 01 2016

SC Court of Appeals

PAUL CURRY,

Appellant,

v.

TOWN OF ATLANTIC BEACH,

Respondent.

MOTION TO STRIKE MATERIAL DESIGNATED TO BE
INCLUDED IN THE RECORD ON APPEAL BY RESPONDENT AND STAY OF
DEADLINES AND REQUIREMENTS

COMES NOW, Jarrod E. Ownbey, Esquire, who after being duly sworn, deposes and states
as follows:

1. That he is co-counsel for Appellant in this matter.
2. That on February 11, 2016, Respondent filed its Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal and a Motion to File Initial Brief Out of Time.
3. That Appellant contested the filing of Respondent's Initial Brief on the grounds that it was untimely and filed a Return to Respondent's Motion to File Initial Brief Out of Time, on February 19, 2016.

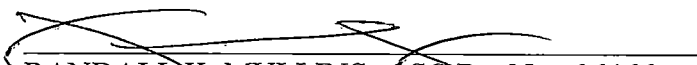
4. That previously, Respondent had requested Two (2) previous extensions on November 16, 2015 and December 29, 2015 prior to filing the Motion to File Initial Brief Out of Time on February 11, 2016.
5. That Appellant filed a Motion to Extend Time to File Reply Brief and Stay Deadlines and Requirements on February 19, 2016, seeking to have the deadlines stayed pending the Court's ruling on Respondent's Motion.
6. That on March 2, 2016, the Court granted Respondent's Motion to File Initial Brief Out of Time and also granted Appellant's Motion to Extend Time to File Reply Brief, extending the time to file Appellant's Initial Reply Brief to March 14, 2016.
7. Appellant mailed his Initial Reply Brief on March 11, 2016, which was received by the Court on March 14, 2016.
8. As a result, Appellant's deadline for preparing, filing and serving the Record on Appeal in this matter is scheduled for April 11, 2016.
9. In preparing the Record on Appeal, Appellant's counsel discovered that Respondent's counsel designated a document identified as "Defendant's Pre-trial Brief, January 14, 2013" as item number 9 of Respondent's Designation of Matter to be Included in Record on Appeal.
10. That Appellant's counsel has reviewed the Trial Court's file maintained at the Horry County Clerk of Court's Office, as well as Appellant's counsel's file and cannot locate the document in either file. Furthermore, Appellant's counsel reviewed the Horry County Public Index listing for this matter online, a copy of which is attached hereto as Exhibit A, which does not reflect this document being filed.
11. That based upon Appellant's counsel's review of these files and the Clerk's Index, Appellant's counsel believes that this document was not presented to the Trial Court.
12. That in good faith, Appellant's counsel sent correspondence by Regular Mail, Facsimile transmission and email correspondence to Respondent's counsel on March 30, 2016 requesting a filed copy of "Defendant's Pre-trial Brief, January 14, 2013"; however, no filed copy of this document has been received. A copy of the March 30, 2016 correspondence to Respondent's counsel is attached hereto as Exhibit B.
13. Additionally, Appellant's counsel has reviewed the Index from the Court Reporter's Transcript of the Trial of this matter held on January 13, 2014 and the document

“Defendant’s Pre-trial Brief, January 14, 2013” does not appear as an exhibit in the Court Reporter’s index. A copy of the index from the Court Reporter’s Transcript of the January 13, 2014 Trial is attached hereto as Exhibit C.

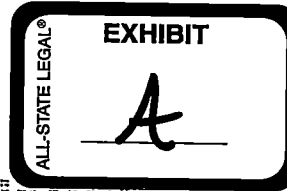
14. Rule 210 (c), SCACR states, in pertinent part: “The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. **The Record shall not, however, include matter which was not presented to the lower court or tribunal.**”
15. As Appellant’s counsel has conducted a diligent search and cannot locate a copy of this document in the Trial Court’s file, or in Appellant’s counsel’s file, Appellant’s counsel believes that item number 9 of Respondent’s Designation of Matter to be Included in Record on Appeal is improperly designated for inclusion in the Record on Appeal, in that it appears that this document was never presented to the Trial Court.
16. As a result, Appellant’s counsel requests that this document be stricken from Respondent’s Designation of Matter and that this document not be included in the Record on Appeal.
17. Furthermore, Respondent requests that all deadlines and requirements be stayed until such time as this Motion has been ruled upon by the Court, specifically the deadlines relating to the filing and service of the Record on Appeal and Appellant’s Final Briefs, to avoid extraneous costs of reprinting these documents.

I SO MOVE.

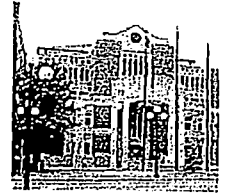
MULLINS LAW FIRM, P.A.


RANDALL K. MULLINS SC Bar No.: 06466
JARROD E. OWNBEY SC Bar No.: 75417
ATTORNEYS FOR THE APPELLANT
Post Office Box 585
North Myrtle Beach, SC 29597
(843) 272-8902 Telephone
(843) 272-3075 Facsimile
mullinslawfirm@aol.com

Dated: March 31, 2016
North Myrtle Beach, South Carolina



Horry County Fifteenth Judicial Circuit Public Index.



Horry County Home Page [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

Paul Curry VS Atlantic Beach Town Of

Case Number:	2010CP2610848	Court Agency:	Common Pleas	Filed Date:	11/17/2010
Case Type:	Common Pleas	Case Sub Type:	Judicial Review 810	File Type:	Non-Jury
Status:	Dismissed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Other / Circuit Civil	Disposition Date:	09/08/2014	Disposition Judge:	Newman, Clifton
Original Source Doc:		Original Case #:			
Judgment Number:	2010CP2610848	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Curry, Paul	Letter From The Mullins Law Firm, P.A.	Filing		06/24/2015-13:03		
Curry, Paul	COC Mailing Copies of Order/Reconsider Denied filed 5-22-15	Action		05/22/2015-16:17		
Curry, Paul	Order Denying Motion for Reconsideration	Order		05/22/2015-16:17		
Curry, Paul	Form 4 issued Motion/Reconsider under advisement	Filing		04/13/2015-15:03		
Curry, Paul	Certificate/Certificate of Service	Action		09/25/2014-15:07		
Curry, Paul	Motion/Reconsider (Judge Newman)	Motion		09/24/2014-10:14	04/13/2015-10:14	
Curry, Paul	COC Mailing Copies of Order/Denying Injunction & Declaratory	Action		09/08/2014-15:34	09/08/2014-15:34	
Curry, Paul	Order/Order denying injunction and declaratory relief	Order		09/08/2014-13:18	09/08/2014-09:46	
Curry, Paul	Certificate/COC Mailing Copies Form 4/NJ 1/27/14	Action		02/11/2014-10:56	09/08/2014-12:35	
Curry, Paul	Order/Form 4/NJ trial under advisement. propped orders to	Order		01/27/2014-12:25	09/08/2014-13:32	
Mullins, Randall K.	Roster/Notice of Case Roster Publication Sent	Action		12/13/2013-12:36	09/08/2014-12:36	
Moody, Leah B.	Roster/Notice of Case Roster Publication Sent	Action		12/13/2013-12:36	09/08/2014-12:36	
Curry, Paul	Certificate/COC Mailing Copies for, 4 10/16/13	Action		10/23/2013-12:55	09/08/2014-13:01	
Curry, Paul	Order/Form 4/non-jury	Order		10/16/2013-	09/08/2014-	

	trial cont. from (10/14/13) to the			15:46	14:39
Curry, Paul	Service/Certificate Of Service/Notice of Appearance	Filing		10/16/2013- 08:45	09/08/2014- 10:53
Curry, Paul	Service/Affidavit Of Service	Filing		10/14/2013- 10:11	09/08/2014- 09:36
Jordan, Charles Bernhart Jr.	Roster/Notice of Case Roster Publication Sent	Action		09/11/2013- 16:42	09/08/2014- 16:42
Moody, Leah B.	Roster/Notice of Case Roster Publication Sent	Action		09/11/2013- 16:42	09/08/2014- 16:42
Curry, Paul	Order For Continuance/Motion/Cert of Ser/see scanned docs	Order		08/26/2013- 14:17	09/08/2014- 15:18
Atlantic Beach Town Of	Motion/Continuance/order	Motion		08/13/2013- 09:19	08/26/2013- 09:19
Curry, Paul	Order Relieving Def's Counsel Pursuant to SC Rules of Civil	Order		07/31/2013- 09:54	09/08/2014- 15:40
Curry, Paul	Certificate/COC Mailing Copies of Court Orders/Relieving Def	Action		07/31/2013- 09:54	09/08/2014- 15:43
Mullins, Randall K.	Roster/Notice of Motions Roster Publication Sent	Action		06/26/2013- 08:46	09/08/2014- 08:46
Davis, Kenneth Allen	Roster/Notice of Motions Roster Publication Sent	Action		06/26/2013- 08:46	09/08/2014- 08:46
Atlantic Beach Town Of	Motion/Relieve As Counsel/Cert of ser/see scanned docs	Motion		04/29/2013- 08:17	07/31/2013- 08:17
Zilinsky, John C.	Affidavit/Affidavit of hand delivery	Filing		01/31/2013- 10:37	09/08/2014- 15:00
Davis, Kenneth Allen	Notice/Notice of Appearance	Filing		01/15/2013- 08:19	09/08/2014- 10:40
Curry, Paul	Affidavit/Affidavit of Hand Delivery	Filing		01/10/2013- 12:47	09/08/2014- 15:49
Mullins, Randall K.	Notice of Case Roster Publication Sent	Action		12/11/2012- 10:56	09/08/2014- 10:56
Atlantic Beach Town Of	Notice of Case Roster Publication Sent	Action		12/11/2012- 10:56	09/08/2014- 10:56
Zilinsky, John C.	Notice of Case Roster Publication Sent	Action		12/11/2012- 10:56	09/08/2014- 10:56
Curry, Paul	Order pursuant to plaintiffs motion to compel interim order	Order		09/16/2011- 09:04	09/08/2014- 13:25
	Verified	Filing		08/10/2011- 09:14	09/08/2014- 09:14
Curry, Paul	Judgment/Judgment	Judgment		08/08/2011- 11:44	09/08/2014- 09:13
Atlantic Beach Town Of	Judgment/Judgment	Judgment		08/08/2011- 11:44	09/08/2014- 09:13
Mullins, Randall K.	Notice of Motions Roster Publication Sent	Action		06/22/2011- 16:23	09/08/2014- 16:23
Zilinsky, John C.	Notice of Motions Roster Publication Sent	Action		06/22/2011- 16:23	09/08/2014- 16:23
Curry, Paul	Motion/Compel	Motion		04/07/2011- 16:02	09/16/2011- 16:02
Atlantic Beach Town	Answer/Certificate of Service	Filing		01/21/2011- 13:46	09/08/2014- 08:30

Of					
Curry, Paul	Service/Affidavit Of Service	Filing		11/30/2010-13:54	09/08/2014-14:07
Curry, Paul	Filing/Filing Of Certified Mail	Filing		11/24/2010-15:49	09/08/2014-09:28
	Verified	Filing		11/19/2010-09:11	09/08/2014-09:11
Curry, Paul	Summons & Complaint, Exhibits	Filing		11/17/2010-14:30	09/08/2014-14:20

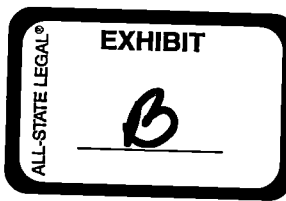
CMSWeb 6.1 © 2013 South Carolina Judicial Department • All rights reserved

Send Result Report

MFP

TASKalfa 3500i

Firmware Version 2LH_2F00.009.201 2015.11.05



03/30/2016 08:40
[2LF_1000.009.001] [2K9_1100.002.001] [2LC_7000.009.101]

Job No.: 063036

Total Time: 0°00'42"

Page: 004

Complete

Document: doc06303620160330083903

MULLINS LAW FIRM, P.A.

Russell K. Mullins
Jarrod E. Owsbey

*Certified Divorce Family Mediator
Circuit Court Arbitrator

One Office Box 585
North Myrtle Beach,
South Carolina 29577

Telephone 843-272-8010
Facsimile 843-272-1012
mullinslawfirm@aol.com

March 30, 2016

Leah B. Moody, Esquire
Post Office Box 1015
Rock Hill, SC 29731

VIA Regular Mail, Facsimile to 803.329.1344
And Email to Lhmatv@ecomporium.net

RE: *Curry v. Town of Atlantic Beach*, Appellate Case No. 2015-001398

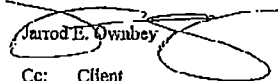
Dear Ms. Moody:

In preparing the Record on Appeal which is due on or before April 11, 2016, I have noticed that you have designated a document for inclusion in the Record on Appeal that is not contained in the Horry County Clerk of Court's Index and does not appear to have been submitted to the Court in connection with this matter; specifically, item number 9, Defendant's Pre-trial Brief dated January 14, 2013. We have pulled the Court's file and this document is not contained in the file, nor do I have a copy of Defendant's pre-trial Brief in my file. I have enclosed a copy of the Clerk of Court's Index printout obtained from the Horry County Clerk's website for your review. Please provide me with a filed copy of Defendant's Pre-trial Brief, so that I may include the document in the Record on Appeal. Should a filed copy not exist, or should you be unable to locate a copy, please let me know. If a filed copy of this document cannot be located, I intend to file a Motion to Strike that item from Respondent's Designation of Matter. As the due date to file the Record on Appeal is fast approaching, I would appreciate a swift response so that this matter may be resolved without the necessity for reprinting the Record on Appeal, and other extraneous costs. Thank you in advance for your cooperation.

With warmest regards, I remain,

Very truly yours,

MULLINS LAW FIRM, P.A.


Jarrod E. Owsbey

Cc: Client
Encls.

1

1313 Madison Drive North Myrtle Beach, South Carolina 29582

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	03/30/16 08:39	18033291344	0°00'42"	FAX	OK	200x100 Normal/On

Post Office Box 585
North Myrtle Beach
South Carolina 29597

Telephone 843.272.8902
Facsimile 843.272.3075
Mullinslawfirm@aol.com

March 30, 2016

Leah B. Moody, Esquire
Post Office Box 1015
Rock Hill, SC 29731

VIA Regular Mail, Facsimile to 803.329.1344
And Email to Lbmatty@comporium.net

RE: *Curry v. Town of Atlantic Beach*, Appellate Case No. 2015-001398

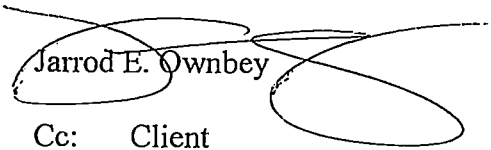
Dear Ms. Moody:

In preparing the Record on Appeal which is due on or before April 11, 2016, I have noticed that you have designated a document for inclusion in the Record on Appeal that is not contained in the Horry County Clerk of Court's Index and does not appear to have been submitted to the Court in connection with this matter; specifically, item number 9, Defendant's Pre-trial Brief dated January 14, 2013. We have pulled the Court's file and this document is not contained in the file, nor do I have a copy of Defendant's pre-trial Brief in my file. I have enclosed a copy of the Clerk of Court's Index printout obtained from the Horry County Clerk's website for your review. Please provide me with a filed copy of Defendant's Pre-trial Brief, so that I may include the document in the Record on Appeal. Should a filed copy not exist, or should you be unable to locate a copy, please let me know. If a filed copy of this document cannot be located, I intend to file a Motion to Strike that item from Respondent's Designation of Matter. As the due date to file the Record on Appeal is fast approaching, I would appreciate a swift response so that this matter may be resolved without the necessity for reprinting the Record on Appeal, and other extraneous costs. Thank you in advance for your cooperation.

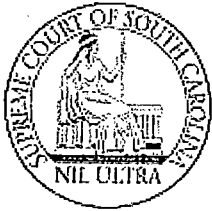
With warmest regards, I remain,

Very truly yours,

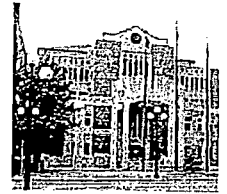
MULLINS LAW FIRM, P.A.


Jarrod E. Ownbey

Cc: Client
Encls.



Horry County Fifteenth Judicial Circuit Public Index.



Horry County Home Page [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

Paul Curry VS Atlantic Beach Town Of

Case Number:	2010CP2610848	Court Agency:	Common Pleas	Filed Date:	11/17/2010
Case Type:	Common Pleas	Case Sub Type:	Judicial Review 810	File Type:	Non-Jury
Status:	Dismissed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Other / Circuit Civil	Disposition Date:	09/08/2014	Disposition Judge:	Newman, Clifton
Original Source Doc:		Original Case #:			
Judgment Number:	2010CP2610848	Court Roster:			

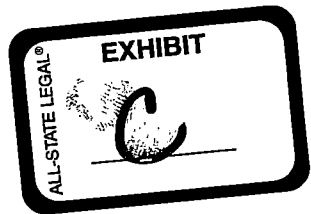
Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Curry, Paul	Letter From The Mullins Law Firm, P.A.	Filing		06/24/2015-13:03		
Curry, Paul	COC Mailing Copies of Order/Reconsider Denied filed 5-22-15	Action		05/22/2015-16:17		
Curry, Paul	Order Denying Motion for Reconsideration	Order		05/22/2015-16:17		
Curry, Paul	Form 4 issued Motion/Reconsider under advisement	Filing		04/13/2015-15:03		
Curry, Paul	Certificate/Certificate of Service	Action		09/25/2014-15:07		
Curry, Paul	Motion/Reconsider (Judge Newman)	Motion		09/24/2014-10:14	04/13/2015-10:14	
Curry, Paul	COC Mailing Copies of Order/Denying Injunction & Declaratory	Action		09/08/2014-15:34	09/08/2014-15:34	
Curry, Paul	Order/Order denying injunction and declaratory relief	Order		09/08/2014-13:18	09/08/2014-09:46	
Curry, Paul	Certificate/COC Mailing Copies Form 4/NJ 1/27/14	Action		02/11/2014-10:56	09/08/2014-12:35	
Curry, Paul	Order/Form 4/NJ trial under advisement. propped orders to	Order		01/27/2014-12:25	09/08/2014-13:32	
Mullins, Randall K.	Roster/Notice of Case Roster Publication Sent	Action		12/13/2013-12:36	09/08/2014-12:36	
Moody, Leah B.	Roster/Notice of Case Roster Publication Sent	Action		12/13/2013-12:36	09/08/2014-12:36	
Curry, Paul	Certificate/COC Mailing Copies for, 4 10/16/13	Action		10/23/2013-12:55	09/08/2014-13:01	
Curry, Paul	Order/Form 4/non-jury	Order		10/16/2013-	09/08/2014-	

	trial cont. from (10/14/13) to the			15:46	14:39
Curry, Paul	Service/Certificate Of Service/Notice of Appearance	Filing		10/16/2013- 08:45	09/08/2014- 10:53
Curry, Paul	Service/Affidavit Of Service	Filing		10/14/2013- 10:11	09/08/2014- 09:36
Jordan, Charles Bernhart Jr.	Roster/Notice of Case Roster Publication Sent	Action		09/11/2013- 16:42	09/08/2014- 16:42
Moody, Leah B.	Roster/Notice of Case Roster Publication Sent	Action		09/11/2013- 16:42	09/08/2014- 16:42
Curry, Paul	Order For Continuance/Motion/Cert of Ser/see scanned docs	Order		08/26/2013- 14:17	09/08/2014- 15:18
Atlantic Beach Town Of	Motion/Continuance/order	Motion		08/13/2013- 09:19	08/26/2013- 09:19
Curry, Paul	Order Relieving Def's Counsel Pursuant to SC Rules of Civil	Order		07/31/2013- 09:54	09/08/2014- 15:40
Curry, Paul	Certificate/COC Mailing Copies of Court Orders/Relieving Def	Action		07/31/2013- 09:54	09/08/2014- 15:43
Mullins, Randall K.	Roster/Notice of Motions Roster Publication Sent	Action		06/26/2013- 08:46	09/08/2014- 08:46
Davis, Kenneth Allen	Roster/Notice of Motions Roster Publication Sent	Action		06/26/2013- 08:46	09/08/2014- 08:46
Atlantic Beach Town Of	Motion/Relieve As Counsel/Cert of ser/see scanned docs	Motion		04/29/2013- 08:17	07/31/2013- 08:17
Zilinsky, John C.	Affidavit/Affidavit of hand delivery	Filing		01/31/2013- 10:37	09/08/2014- 15:00
Davis, Kenneth Allen	Notice/Notice of Appearance	Filing		01/15/2013- 08:19	09/08/2014- 10:40
Curry, Paul	Affidavit/Affidavit of Hand Delivery	Filing		01/10/2013- 12:47	09/08/2014- 15:49
Mullins, Randall K.	Notice of Case Roster Publication Sent	Action		12/11/2012- 10:56	09/08/2014- 10:56
Atlantic Beach Town Of	Notice of Case Roster Publication Sent	Action		12/11/2012- 10:56	09/08/2014- 10:56
Zilinsky, John C.	Notice of Case Roster Publication Sent	Action		12/11/2012- 10:56	09/08/2014- 10:56
Curry, Paul	Order pursuant to plaintiffs motion to compel interim order	Order		09/16/2011- 09:04	09/08/2014- 13:25
	Verified	Filing		08/10/2011- 09:14	09/08/2014- 09:14
Curry, Paul	Judgment/Judgment	Judgment		08/08/2011- 11:44	09/08/2014- 09:13
Atlantic Beach Town Of	Judgment/Judgment	Judgment		08/08/2011- 11:44	09/08/2014- 09:13
Mullins, Randall K.	Notice of Motions Roster Publication Sent	Action		06/22/2011- 16:23	09/08/2014- 16:23
Zilinsky, John C.	Notice of Motions Roster Publication Sent	Action		06/22/2011- 16:23	09/08/2014- 16:23
Curry, Paul	Motion/Compel	Motion		04/07/2011- 16:02	09/16/2011- 16:02
Atlantic Beach Town	Answer/Certificate of Service	Filing		01/21/2011- 13:46	09/08/2014- 08:30

Of					
Curry, Paul	Service/Affidavit Of Service	Filing		11/30/2010-13:54	09/08/2014-14:07
Curry, Paul	Filing/Filing Of Certified Mail	Filing		11/24/2010-15:49	09/08/2014-09:28
	Verified	Filing		11/19/2010-09:11	09/08/2014-09:11
Curry, Paul	Summons & Complaint, Exhibits	Filing		11/17/2010-14:30	09/08/2014-14:20

CMSWeb 6.1 © 2013 South Carolina Judicial Department • All rights reserved



I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PLAINTIFF'S WITNESSES

PAGE

PAUL CURRY

Direct Examination by Mr. Mullins.....	21
Cross-Examination by Ms. Moody.....	51
Redirect Examination by Mr. Mullins.....	91
Recross-Examination by Ms. Moody.....	97
Examination by the Court.....	99
Redirect Examination by Mr. Mullins.....	101
Recross-Examination by Ms. Moody.....	101

DEFENDANT'S WITNESSES

CHERYL PEREIRE

Direct Examination by Ms. Moody.....	106
Cross-Examination by Mr. Mullins.....	123
Examination by the Court.....	130
Redirect Examination by Ms. Moody.....	133
Examination by the Court.....	134
Redirect Examination by Ms. Moody.....	135
Recross-Examination by Mr. Mullins.....	135
Redirect Examination by Ms. Moody.....	138

LINDA CHEATHAM

Direct Examination by Ms. Moody.....	139
Cross-Examination by Mr. Mullins.....	157
Examination by the Court.....	167

WILLIAM BOOKER

Direct Examination by Ms. Moody.....	168
Cross-Examination by Mr. Mullins.....	182
Examination by the Court.....	191
Redirect Examination by Ms. Moody.....	192
Recross-Examination by Mr. Mullins.....	195
Examination by the Court.....	196

PLAINTIFF'S EXHIBITS

MARKED

ADMITTED

1	Motion & Order	21	21
2	Letter 6/25/03	24	24
3	FOIA form	25	25
4	Voluntary statement	26	26
5	Certified mail 5/18/06	28	28
6	Certified receipt	31	31
7	Letter 5/12/09	32	32

	PLAINTIFF'S EXHIBITS (CONT)	MARKED	ADMITTED
1			
2	8 Certified receipt 5/10/10	33	33
	9 Order - motion to compel	37	37
3	10 Copy of check	37	37
	11 Motion & order form	40	40
4	12 Letter 10/24/13	42	42
	13 Proposed budget	43	43
5	14 Affidavit	45	45
	15 Photo	46	46
6	16 Photo	49	49
	17 Order	93	93
7	18 Photo	95	95
	19 Order	97	97
8			

	DEFENDANT'S EXHIBITS	MARKED	ADMITTED
9			
10	1 Order	81	89
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton B. Newman, Common Pleas Court Judge

2010-CP-26-10848
Appellate Case No.: 2015-001398

RECEIVED

APR 01 2016

SC Court of Appeals

PAUL CURRY,

Appellant,

v.

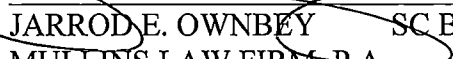
TOWN OF ATLANTIC BEACH,

Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Motion to Strike Material Designated to be Included in the Record on Appeal by Respondent and Stay of Deadlines and Requirements via regular U.S. Mail addressed to the following:

Leah B. Moody, Esquire
PO Box 1015
Rock Hill SC 29731


JARROD E. OWNBEY SC Bar No.: 75417
MULLINS LAW FIRM, P.A.
Post Office Box 585
North Myrtle Beach, SC 29597
843.272.8902 Telephone
843.272.3075 Facsimile
ATTORNEY FOR APPELLANT

Dated: March 31, 2016
N. Myrtle Beach, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton B. Newman, Common Pleas Court Judge

2010-CP-26-10848
Appellate Case No.: 2015-001398

RECEIVED
APR 01 2016
SC Court of Appeals

PAUL CURRY,

Appellant,

v.


TOWN OF ATLANTIC BEACH,

Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Motion to Strike Material Designated to be Included in the Record on Appeal by Respondent and Stay of Deadlines and Requirements via regular U.S. Mail addressed to the following:

Leah B. Moody, Esquire
PO Box 1015
Rock Hill SC 29731


JARROD E. OWNBEY SC Bar No.: 75417
MULLINS LAW FIRM, P.A.
Post Office Box 585
North Myrtle Beach, SC 29597
843.272.8902 Telephone
843.272.3075 Facsimile
ATTORNEY FOR APPELLANT

Dated: March 31, 2016
N. Myrtle Beach, South Carolina

Post Office Box 585
North Myrtle Beach
South Carolina 29597

Telephone 843.272.8902
Facsimile 843.272.3075
Mullinslawfirm@aol.com
Mullinslawfirm.com

March 31, 2016

VIA FEDERAL EXPRESS

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED
APR 01 2016
SC Court of Appeals

Re: *Paul Curry v. Town of Atlantic Beach*
Civil Action No.: 2010-CP-26-10848
Appellate Case No.: 2015-001398
MLF File No.: 2010-312

Dear Clerk Kitchings:

Enclosed please find the original and one (1) copy each of the Motion to Strike Material Designated to be Included in the Record on Appeal by Respondent and Stay of Deadlines and Requirements and a Proof of Service.

Thank you for your assistance with this matter.

With warmest regards, I remain

Very truly yours,

MULLINS LAW FIRM, PA


Jarrod E. Ownbey

JEO/klc

Encls.

cc: Mr. Paul Curry
Leah B. Moody, Esquire

LEADER

Express

envelope shipping

10 THE HONORABLE JENNY ABBOT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
1015 SUMTER ST.

COLUMBIA SC 29201

RECEIVED

(803) 734-1890
INV:
PO:

REF: CURRY 2010312
DEPT:

APR 01 2016

540J1ICF347ZTF



FedEx Express



J151016020501ur

RT 104
FZ B20
6 15:00
1359 04:01
FE

FRI - 01 APR 3:00P
STANDARD OVERNIGHT

TRK# 7760 0418 1359
0201

28 USCA

29201
SC-US CAE

