

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Case No. 2006-CP-39-1826

J. Scott Kunst,

Respondent,

v.

David Loree,

Appellant.

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MAY 16 2016  
SC Court of Appeals

**RESPONDENT'S REPLY TO APPELLANT'S RETURN TO MOTION TO  
COMPEL CORRECTION TO RECORD ON APPEAL**

J. Scott Kunst *pro se*  
130 Arabian Way  
Simpsonville, SC 29681  
(864) 979-7961  
*Respondent*

V. Elizabeth Wright (SC Bar ID 76029)  
V. Elizabeth Wright Law Firm, LLC  
217 E. Park Avenue  
Greenville, SC 29601  
(864) 326-5281  
bethwrightattorney@gmail.com

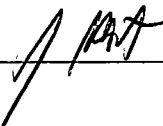
Gregory K. Smith (admitted *pro hac vice*)  
King & Spaulding, LLP  
1180 Peachtree Street  
Atlanta, GA 30309  
(404) 572-2858  
GKSmith@kslaw.com  
*Attorneys for the Appellant*

Respondent J. Scott Kunst acknowledges the Appellant's response to the **Motion to Compel Correction to Record on Appeal**, but respectfully requests that the Appellant be compelled to *properly* correct the record by:

1) Physically removing the incorrect **Exhibit 25** from the **Record on Appeal** filed with the Court. This document pertains to *Gaby v. Kunstwerke* and cannot be part of the **Record on Appeal** because it is not from the present *Kunst v. Loree* case and was not admitted into evidence at trial nor was it designated for the **Record on Appeal**. According to Rule 210(c), SCACR, "The Record shall not, however, include matter which was not presented to the lower court or tribunal." This is the final exhibit in the **Record on Appeal** and will be easy to remove.

2) Numbering the correct **Exhibit 25** in any Supplemental Record starting with the same page number used for the incorrect exhibit, so that any references to page numbers in final briefs already on file with the Court will be consistent.

Respectfully submitted.



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May 11, 2016

J. Scott Kunst, Respondent, *Pro se*  
130 Arabian Way  
Simpsonville, SC 29681  
(864) 979-7961

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

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Robin B. Stilwell, Circuit Court Judge

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Case No. 2006-CP-39-1826

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J. Scott Kunst, Respondent,

v.


David Loree, Appellant.

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**PROOF OF SERVICE**

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I, J. Scott Kunst, Respondent *pro se*, hereby certify that I have served the **Respondent's Reply to Appellant's Return to Motion to Compel Correction to Record on Appeal** on the Appellant by depositing a copy in the United States Mail, postage prepaid, on May 11, 2016, addressed to the Appellant's counsel of record as follows: V. Elizabeth Wright, V. Elizabeth Wright, P.A., 217 E. Park Avenue, Greenville, SC 29601, and Gregory K. Smith, King & Spaulding, LLP, 1180 Peachtree Street, Atlanta, GA 30309.

  
\_\_\_\_\_  
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130 Arabian Way  
Simpsonville, SC 29681  
(864) 979-7961

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MAY 16 2016

SC Court of Appeals

May 11, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *J. Scott Kunst v. David Loree*,  
C.A No.: 2006-CP-39-1826

Appellate Case No. 2015-001536

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MAY 16 2016

SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed for filing the original and six copies of the **Respondent's Reply to Appellant's Return to Motion to Compel Correction to Record on Appeal and Proof of Service.**

Please feel free to contact me if you have any questions.

Sincerely,



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J. Scott Kunst  
130 Arabian Way  
Simpsonville, SC 29681  
(864) 979-7961  
*Respondent pro se*

cc: V. Wright, Esq.  
Gregory K. Smith, Esq.

Kunst  
300 Heinz  
Pittsburg



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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
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Columbia, SC 29211