

1. Said Supplemental Appendix directly bears upon Respondent's Reply Brief including, but not limited to, the original Trial Transcript omitted by Petitioner in his Brief and Petition for Writ of several critical witnesses, including the key and primary prosecution witness for Petitioner, employee Denise McCormack; also testimony of Senior Engineer for BREC Alan Blackmon, original testimony also omitted by BREC in their Appenidx; testimony from original Transcript of Lt. Col. Steve Gresham, all omitted by Petitioner. These original testimonies serve to counter the advocated argument of Petitioner that the entire trial transcript was destroyed, which Respondent strongly refutes as set forth in her Brief, also filed on 20 July, 2016 AND establishes a strong basis with facts and testimony in the original trial testimony and record, not supplied to this Court by Petitioner, that there was sufficient evidence and testimony for the jury's verdict in favor of Respondent as the jury so rendered. Additionally, this testimony from the original Transcript, which was not reconstructed but rather duly preserved, establishes that the Trial Court, likewise, had sufficient testimony and evidence upon which to base his own rulings denying any and all post-jury motions of Petitioner, including Petitioner's motion for JNOV, also affirmed by The SC Court of Appeals. Petitioner now seeks that this verdict and subsequent Court determinations and rulings be overturned, citing an absent trial transcript, which is not accurate, and also citing that the Court of Appeals made "assumptions" in their ruling and/or exercised errors. The Supplemental Appendix is just and necessary for true recitation to this Court as reflective of the actual trial testimony,

in original form, and essential to the refutation of Petitioner's lop-sided presentation to this Court, in the interest of fairness and completion.

2. Said Supplemental Appendix also directly counters the advocacy of Petitioner that testimony from BREC was clear as to any right-of-way they sought or now seek after almost 8 years from the jury trial, seeking to establish another BREC engineer as definitive witness when BREC's own Chief Engineer Alan Blackmon, who testified at the original trial with testimony preserved and attached therein, had no documents or insightful testimony as to support pole placement nor helpful testimony for BREC, especially as shown in his cross-examination. Inclusion of this original testimony of BREC Chief Engineer Blackmon of long employment to BREC provides ample testimony from the original trial transcript attached in the Supplemental Appendix that any after- constructed testimony of another BREC employee was meant to bolster their one-sided position as to their alleged right of way, intensely and continuously challenged by Respondent and other witnesses including confusion of key, senior BREC Engineer Alan Blackmon, whose testimony Petitioner excluded from view by this Court. Such attached testimonies present a more complete and accurate trial picture of this case especially due to the urging by Petitioner that the case presents a matter of exceptional public interest, as it is set forth by Petitioner in misleading manner, and fails to fully present necessary facts to this Court. There is NO harm to Petitioner in said attachments sought and NO surprise as the attachment testimony were all a part of the extensive original trial transcript NOT destroyed, all possessed by Petitioner even though BREC urges this Court and would have this

Court believe in his Brief that the transcript was destroyed and does not exist, clearly an erroneous representation.

3. Said Supplemental Appendix further establishes the nonchalance attitude taken by Petitioner in the presentation of this long-pending trial and their failure to advocate any matter of extreme public importance as they now urge in their “second attempt at a bite of the apple,” for they were on notice for well over a year and throughout a lengthy discovery process prior to jury trial, that Respondent urged Trespass of BREC’s offending support, non-power pole and long guy wires. Any trial preparation or lack thereof by BREC’s mass legal team and unlimited resources, should not now be a burden upon this Court for after-the-fact judgment, substituting their judgment in place of the 12-member impartial jury who were in place for 3 days to render their verdict OR for the trial judge, best positioned to do the same, as well. Said attachments serve to correctly present these factors to this Court, necessary for a fair assessment.
4. That the Supplemental Appendix also supplies Court-transmitted letters from pro se respondents, which establish further that Respondent was mischaracterized as delaying or obstructive as termed by now-Justice Few, who was then Judge of the 13th Circuit, in which circuit this case was tried. The Reconstruction hearings were held in Anderson, outside the 13th Circuit to convenience the trial judge and BREC, to which Respondent(s) traveled in earnest attempts to participate and aid the Court, following the year-plus unawareness of the partial transcript destruction by the Court Reporter and lack of knowledge apparently by the trial judge. Respondent had been advised by Petitioner that the transcript had been

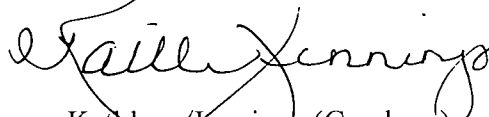
destroyed but in finally securing a copy of the actual lengthy original transcript, in fact, learned that only a small portion of the transcript was missing. The correspondence, made in the years prior to this Appeal and after the trial, impact on concerns of Respondent in direct refutation to information provided to this Court and to the issue of punitive damages, refused unilaterally by the trial judge at the last hour prior to closing statements and to a long-pled right of Respondent. Said items support the position of Respondent in her Reply Brief, necessitated by that of Petitioner BREC, of which association Respondent is herself a long-time 35-plus year member. Respondent has a duty to inform this Court of pertinent testimony, not to withhold same, to also present factually both as Respondent, as prevailing party, and as an excellent member, as acknowledged by Petitioner's key witness, as a long-standing member of BREC.

5. The Supplemental Appendix is short in material, of only 31 pages, of necessity to this Court in an accurate ruling, presents sworn testimony from the original trial and correspondences without surprise to Petitioner and necessary in the quest for justice in this all-important Writ. It is quick to consume, concise in content, and poses no hindrance to this Court nor injustice against Petitioner. It is fair and helpful and should not be arbitrarily ignored in the Court's quest for justice. Fairness and truthful facts are essential to this Court even if presented by a pro se Respondent, who prevailed in a full and lengthy jury trial on all counts, one now sought by Petitioner to be overturned some 8-9 years later, and which verdict was also upheld by the trial judge and by this Court of Appeals. Unjust attack by Petitioner without said pertinent facts proves an injustice to Respondent, to this

Court, to faithful members of BREC, such as Respondent, and to this justice system.

6. Said Supplemental Appendix also serves to support the request and motion for Sanctions against BREC duly made and pending before this Court in presenting factual information and transcript not presented by Petitioner in their Writ request to this Court, but withheld by them.
7. Said Supplemental Appendix accomplishes in simple fashion, the interests of justice, not to be overlooked by this SC Supreme Court, in considering the extraordinary relief sought by Petitioner herein.
8. Said Supplemental Appendix is an essential component in factual information of great consequence to this Court to objectively consider in rendering a just and fair resolution to Respondent, who does not possess limitless resources in their advocacy, has not had multi years to attempt to undo the unanimous jury verdict from a jury they actively participated in selection, and clearly establishes that most of the trial transcript was duly preserved as contrary to false arguments advanced by Petitioner to this Court, and which was a basis for this Court's issuance of its extraordinary Writ.

Respondent, pro se, so moves.



Kathleen Jennings (Gresham)
As captioned in pleadings by BREC
Tahlequah Farm, 1524 Highway 11; 864-895-4222
Landrum, SC 29356 (Greenville County)

This 27th day of July, 2016
Glassy Mt., Landrum, SC

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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

SC SUPREME COURT

And

APPEAL FROM THE S.C. COURT OF APPEALS

R. Lawton McIntosh, Circuit Court Judge

Case No.: 2008-CP-23-5245
App. Case No.: 2015-001836; 2009-141246
Court of Appeals No.: 2015-UP-031, submitted Nov. 1, 2014

PROOF OF SERVICE

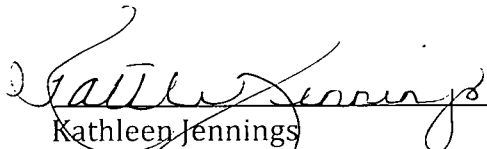
I certify that I have personally served a copy of the Supplemental Appendix at the same time the Respondents brief was filed on July 20, 2016.

I certify that I have personally served the Motion to File Supplemental Appendix of Respondent Kathleen Jennings (Gresham) upon the Petitioner and the Clerk of South Carolina Court of Appeals by depositing a copy of it in the United States Mail, postage prepaid on July 27, 2016, to:

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Kathleen Jennings
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July 27, 2016

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The Honorable Daniel E. Shearouse, Clerk
The Supreme Court of South Carolina
1231 Gervais Street
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