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**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

DEC 29 2016

Appeal No. 2016-001063

SC Court of Appeals

**APPEAL FROM HORRY COUNTY
Court of Common Pleas**

Benjamin H. Culbertson, Circuit Court Judge

CASE NUMBER 2009-CP-26-3596

Ronald Jarmuth

Appellant,

v.

The International Club

Respondent

**APPELLANT'S RETURN
TO RESPONDENT'S MOTION
FOR AN EXTENSION OF TIME TO FILE
RESPONDENT'S FINAL RESPONSE BRIEF**

**Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
Appellant, Pro Se**

**Henrietta U. Golding
Alicia F. Thompson
2411 Oak Street; Suite 206
Myrtle Beach, SC 29577-3164
843-444-1107
Attorneys for Respondent**

1. Appellant Ronald Jarmuth Responds to Respondent's Motion for an Extension of Time to File Respondent's Final Response Brief. Said Motion was "mailed" to the Court of Appeals on December 21, 2016, and allegedly mailed to Appellant that date [1] but received by Appellant on December 28, 2016.

2. Respondent for cause makes two arguments:

(1) "The initial brief of the Association cites to the documents that were omitted from the Record." Appellant Motion p.2 top.

(2) "Accordingly, the Association cannot submit a Final Brief until the omissions in the Record are corrected." Appellant Motion p.2 top.

In Respondent's parallel Motion to Amend the Record on Appeal mailed and allegedly served December 21, 2016 (and likewise received by Appellant on December 28, 2016) Appellant objects to certain documents included by Appellant in the Record on Appeal, stating (Motion to Amend, p.3 bottom) that Appellant

"included materials that are irrelevant to the appeal and were not before the circuit court judge in ruling on ... [the] motion to dismiss for lack of subject matter jurisdiction".

agreeing that irrelevant documents and particularly documents NOT before the circuit court, at the hearing, do not belong in the Response Brief and certainly not in the Record on Appeal.

As is proven in detail, further on, the documents omitted from the Record on Appeal were never "cited" by Respondent in the Response Brief and were "not before the circuit court judge".

As is proven in detail, further on, Respondent's Initial Response Brief never cited to the omitted documents, never pointing to a single page, phrase, or word in any omitted document.

1 From Respondent's counsel only miles away.

3. Respondent's Motion claims [2] that Respondent can not translate the Initial Response Brief into a Final Response Brief because necessary documents are missing from the Record on Appeal as filed by Appellant. In fact, as is show in detail below, translating Respondent's Initial Response Brief to a Final Response Brief would not change a single word in the Initial Response Brief – it is the Final Brief if Rule 208(b)(4) SCRAP is obeyed. [3]

4. Appellant cites to his Reply to Respondent's Return to Appellant's Motion to Limit the Record on Appeal which Appellant filed December 17, 2016 [4]. The Reply of Appellant - to Appellant's Motion to Limit the Record on Appeal - contains an itemized list of twenty eight (28) documents designated by Respondent for inclusion which Appellant objected to. Significantly, in Respondent's Initial Response Brief, there are no references by page, paragraph, or word to anything within ANY of the documents that are objected to by Appellant. [5] As Appellant pointed out in Appellant's December 17, 2016 Reply to the Motion to Limit the Record on Appeal, document by document, none of the objected to documents were cited by Respondent (in the Initial Response Brief) to prove anything. In Respondent's Return to Appellant's Motion to Limit Respondent explains that the un-cited documents were included in the Response Brief for "Procedural

2 Respondent "cannot submit a Final Brief until the omissions in the Record are corrected" Respondent Motion, p2.

3 "After the Record on Appeal is prepared, these references shall be revised as provided by Rule 211(b)(1)."

4 Mailed to the Clerk of the Court of Appeals that day by Priority Mail and likewise served that day on Respondent.

5 With few exceptions, where Respondent's Initial Response Brief mentions a document there is no reference to any page, paragraph or word in those documents, including the ones included in the Record on Appeal by Appellant as a courtesy.

History”[6] purposes.

5. Rule 208(b)(4), Initial Briefs, References to Record reads:

“(4) References to Record. The brief shall contain references to the ... pleadings, orders, exhibits, or other materials ... to support the salient facts alleged. ... In the initial briefs, these references should be to ... the page of the material to be referenced; e.g., Answer p. 7, Motion for Judgment p. 2, ... After the Record on Appeal is prepared, these references shall be revised as provided by Rule 211(b)(1).”

Per the Rule, if any of the twenty eight (28) objected to documents had relevance “to support the salient facts”, Respondent’s Initial Response Brief would cite at least to “the page of the material” (objected to document). There are no citations to any particular page of any of these documents in Respondent’s Initial Response Brief thus these none-existing page references to the actual page numbers in any document can never “be revised” to the replacement page numbers in the Record on Appeal where the cited page appears.

6. If the Court of Appeals were to order the inclusion, in the Record on Appeal, of every document designated by Respondent to which Appellant has objected, the Respondent could not change a single page reference (from an actual page in a cited document to the page in the Record on Appeal where that page is to be found) since there are no page references in Respondent’s Response Brief to be transformed. Put another way, Respondent’s Final Response Brief would be identical to Respondent’s Initial Response Brief, word for word.

7. That being said there is no purpose for the Court of Appeals to permit the Respondent to delay filing Respondent’s Final Response Brief.

6 Respondent’s December 14, 2016 Return to Motion to Limit at Page 2.

CONCLUSION

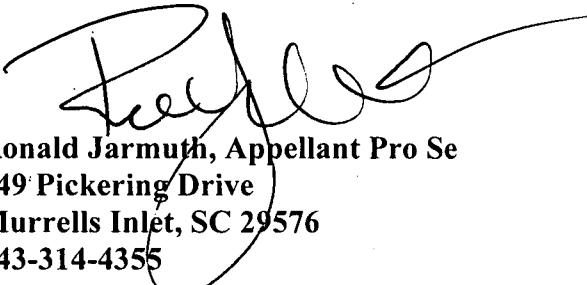
8. **Conclusions.**

a. **The Response Brief contains no page references to any document (1) designated by Respondent for inclusion in the Record on Appeal which (2) has been objected to by Appellant.**

b. **Allowing Respondent to delay filing the Final Response Brief would not alter the Response Brief in any way – no page number references would be altered by such a delay.**

c. **The Initial Response Brief is, in fact, the Final Response Brief by virtue of the fact that there are no page references to be transformed.**

d. **The Motion to Delay Filing the Final Response Brief is without merit and must be denied.**



Ronald Jarmuth, Appellant Pro Se
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
December 29, 2016

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PROOF OF SERVICE

I certify that on December 29, 2016 I served Appellant's Return to Respondent's Motion for an Extension of Time to File Respondent's Final Response Brief on Respondent by depositing a copy of same in the United States Mail, postage prepaid, addressed to Respondent's attorney of record, Henrietta Golding; McNair Law Firm, P.A.; 2411 Oak Street; Suite 206; Myrtle Beach, SC 29577-3164

December 29, 2016


**Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
Appellant, Pro Se**

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DEC 29 2016

SC Court of Appeals

Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
December 29, 2016

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629
803-734-1890

**Re: Appellant's Return to Respondent's Motion for an Extension of Time to File
Respondent's Final Response Brief
in Appeal Case 2016-001063 Jarmuth v The International Club.**

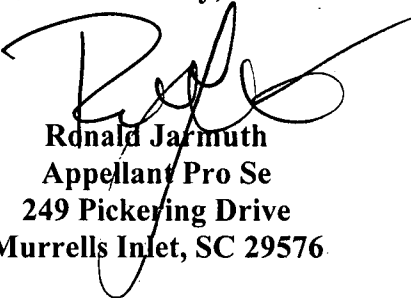
Dear Madam Clerk:

**Please file the attached Appellant's Return to Respondent's Motion for an Extension of
Time to File Respondent's Final Response Brief in Appellate Case 2016-001063 Jarmuth v
The International Club which I provide as one unbound plus six bound copies.**

**Please take note that Appellant received said Motion on December 28, 2016 (only scant
miles from the offices of Respondent's counsel) despite Respondent's Motion being
"clocked" December 21, 2016 and the Certificate of Service alleging service that date. A
seven day delay in the mail is beyond belief.**

Thank you for your attention to this matter.

Sincerely,



Ronald Jarmuth
Appellant Pro Se
249 Pickering Drive
Murrells Inlet, SC 29576

Enc: as

Cf: Henrietta Golding, Attorney for Respondents