

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Circuit Court Judge

Case No.: 2013-CP-10-6019

Jack Powell,Appellant,

v.

Knology of Charleston, Inc.,Respondent.

**MOTION FOR CORRECTION OF
RECORD ON APPEAL**

Pursuant to Rules 240 & 210, SCACR, Respondent Knology of Charleston, Inc. moves for correction of the Record on Appeal filed by Appellant Jack Powell. The Record as served by Appellant fails to contain a number of items that were designated by Respondent. Pursuant to Rule 210(a), SCACR, the appellant is responsible for preparing and serving the Record on Appeal. Pursuant to Rule 210(c), SCACR, the Record on Appeal "shall include all matter designated to be included by any party under Rule 209."

Items designated by Respondent which are not included in the Record include the following:

- Service copy of Complaint, served Nov. 14, 2013;
- Answer of Defendant, filed Dec. 16, 2013;
- Hearing Transcript dated July 30, 2014;
- Appellant's Motion to Compel, dated June 10, 2014;

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- Appellant’s Motion to Compel, dated June 16, 2014;
- Plaintiff’s Notice for Motion Summary Judgment, filed Nov. 18, 2014;
- Form 4 Judgment in a Civil Case, filed Jan. 9, 2015;
- Defendant Knology of Charleston Inc.’s Notice of Motion and Motion for Summary Judgment, filed March 16, 2015;
- Memorandum in Support of Defendant Knology’s Motion for Summary Judgment/in Opposition to Plaintiff’s Second Motion for Summary Judgment, filed April 2, 2015, including Exhs. A, B, C & D;
- Form 4 Judgment in a Civil Case, filed April 8, 2015, denying “Plaintiff’s 2nd Motion for Summary Judgment”;
- Form 4 Judgment in a Civil Case, filed April 8, 2015, granting “Defendant’s Motion for Summary Judgment ... Formal order to follow”;
- Order, filed May 6, 2015; and,
- Order, filed June 8, 2015.

Until Appellant files a correct Record that contains all of the material designated by Respondent, Respondent cannot prepare its Final Brief to this Court.

CONCLUSION

For the reasons stated herein, Respondent moves this Court to order Appellant to correct the Record on Appeal by including the items identified above that they designated but which have not been included in the Record. Respondent further requests that the deadline to file its Final Brief be suspended until Appellant serves a complete and correct Record.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC

June 2, 2017

A handwritten signature in black ink, appearing to read 'H. Hiser', is written over a horizontal line.

Helen F. Hiser

S.C. Bar No.: 76124

735 Johnnie Dodds Blvd., Suite 200 (29464)

P.O. Box 650007

Mount Pleasant, South Carolina 29465

(843) 576-2900

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Jack Powell,Appellant,

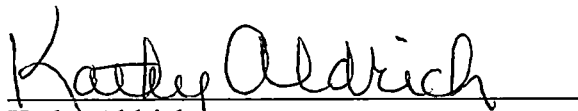
v.

Knology of Charleston, Inc.,Respondent.

PROOF OF SERVICE

I certify that on the 2nd day of June 2017, I served the Respondent's **Motion for Correction of Record on Appeal** on Jack Powell, *pro se*, by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

Jack Powell, *pro se*
1402 Camp Road Unit 8-A
Charleston, SC 29412



Kathy Aldrich
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Respondent Knology of Charleston,
Inc.*

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Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

June 2, 2017

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Jack Powell v. Knology of Charleston Inc.
Civil Action No.: 2013-CP-10-6019 (Charleston)
Date of Incident: June 21, 2012
Carrier Claim No.: YVC KL 99682
MGC File No.: 2071.13109
Appellate Tracking No.: 2016-001035

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondent's Motion for Correction of the Record on Appeal, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the self-addressed, stamped envelope. Also enclosed is our firm's check in the amount of \$25 for filing the motion.

If you have any questions, please do not hesitate to contact me.

Yours truly,

McAngus Goudelock & Courie, LLC



Helen F. Hiser

Enclosures

cc: Jack Powell, *pro se*

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The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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