

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

JUL 25 2017

G. Thomas Cooper, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2016-002248

Travis Roddey, individually and as the Personal Representative of the Estate of Alice Monique Beckham Hancock Deceased Appellant,

v.

Wal-Mart Stores East LP, U.S. Security Associates, Inc., and Derrick L. Jones, Respondents.

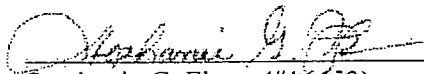
CONSENT MOTION FOR LEAVE TO ALLOW RESPONDENTS TO FILE AN AMENDED DESIGNATION OF MATTER AND FOR AN EXTENSION OF TIME FOR APPELLANT TO FILE THE RECORD ON APPEAL

Respondents hereby seek leave of the Court to file an Amended Designation of Matter to be Included in the Record on Appeal. Respondents filed their initial Designation in this matter on May 22, 2017, and the Record on Appeal, which is in the process of being compiled but which has not yet been finalized, is due to be filed on or before August 1, 2017. Respondents seek to include in their Amended Designation of Matter a limited number of additional pages from the Trial Transcript that were referenced and discussed in Respondents' Initial Brief, but inadvertently not included in the initial Designation of Matter. Respondents' Amended Designation of Matter, which they would propose to file in this case, is attached hereto as Exhibit 1.

Counsel for Appellant has consented to this Motion for Respondents to file an Amended Designation of Matter as reflected in the attached e-mail (Exhibit 2). In addition, the parties would jointly request, by consent, a 3-day extension of time for Appellant to file the Record on Appeal. A 3-day extension would ensure that the Record on Appeal can be timely compiled, with sufficient copies prepared for the parties and the Court, once the Court has the opportunity to address this motion. With a 3-day extension of time, the new deadline for filing of the Record on Appeal will be August 4, 2017.

Based on the foregoing, Respondents, with the Consent of Appellant, respectfully request the Court grant the relief sought in this motion to allow Respondents to file an Amended Designation of Matter and allow Appellant to file the Record on Appeal on or before August 4, 2017.

Respectfully submitted,



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Attorneys for Respondents

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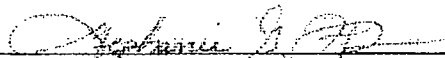
Wal-Mart Stores East LP, U.S. Security Associates, Inc., and Derrick L. Jones, Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on July 25, 2017, she served counsel for Appellant with the Consent Motion for Leave to Allow Respondents to File an Amended Designation of Matter and for an Extension of Time for Appellant to file the Record on Appeal in this matter by mailing a copy of the same by U.S. mail with first class postage prepaid to the following addresses:

Whitney B. Harrison
Shawn Deery
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, SC 29201

S. Randall Hood
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EXHIBIT 1

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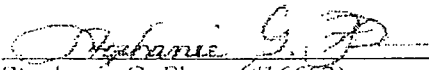
AMENDED DESIGNATION OF MATTER

Respondents, pursuant to Rule 209 of the South Carolina Appellate Court Rules, hereby submit their designations of matter for inclusion in the Record on Appeal, in addition to all matters proposed by Appellant. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the Designation contains no matter which is irrelevant to the appeal:

1. Respondents' Response to Appellant's Petition for Writ of Supersedeas and Motion to Dismiss Appeal;
2. Plaintiff's Notice of Motion and Memorandum in Support of Motion to Reconsider, Alter, and Amend Order Granting Directed Verdict to Wal-Mart pursuant to Rule 59(e);
3. Plaintiff's Motion to Alter or Amend the Judgment and for a New Trial (April 23, 2010);
4. Brief of Appellant to the Court of Appeals (July 26, 2011); and

5. Trial Transcript, pages 606-09, 810, 823-24, 832, 881-82, 885, 897, 905-09, 912-14 and 922-25.

Respectfully submitted,



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Attorneys for Respondents

July 25, 2017

EXHIBIT 2

Stephanie Flynn

From: Stephanie Flynn
Sent: Tuesday, July 25, 2017 12:55 PM
To: 'Whitney Harrison'
Subject: RE: Roddey v. Walmart: Appellate Case No. 2016-002248: Motion for Leave to file Amended Designation of Matter

Thanks, Whitney. And an extension will be no problem at all. I will add that to the Consent Motion and will be sure to draw the Court's attention to that request as well. Thanks so much for the quick response and your work in pulling all of the pieces together. I will get this out as modified shortly.

Best regards,
Stephanie

Stephanie G. Flynn
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From: Whitney Harrison [<mailto:wharrison@mccgowanhood.com>]
Sent: Tuesday, July 25, 2017 12:40 PM
To: Stephanie Flynn
Subject: RE: Roddey v. Walmart: Appellate Case No. 2016-002248: Motion for Leave to file Amended Designation of Matter

Stephanie,

Thanks for your voice message and this email. I've reviewed your proposed filings with the court and Appellants consent to the motion. Would you be open to including within your motion a request for a new filing deadline of August 4th? I want to make sure I build in enough time for the printer. I would imagine we would hear back quickly, but I want to be mindful of the turnaround time of the printer---I was originally scheduled to provide the record to them today and would like to avoid having to have them rush the order or locate another print shop to handle the printing since I will be out of the office later in the week.

Thank you for taking the time to work with me on the Record. Its always so nice to have great lawyers on the other side.

Whitney

From: Stephanie Flynn [mailto:Stephanie.Flynn@smithmoorelaw.com]

Sent: Tuesday, July 25, 2017 11:03 AM

To: Whitney Harrison <wharrison@mcgowanhood.com>

Subject: Roddey v. Walmart: Appellate Case No. 2016-002248: Motion for Leave to file Amended Designation of Matter

Hi Whitney,

Pursuant to our conversations regarding the Record on Appeal and Respondents' Designation of Matter, I sought direction from the Court regarding the proposed Amendment and was advised to file a motion for leave on behalf of Respondents to file an Amended Designation of Matter to be Included in the Record on Appeal. I have therefore attached a Consent Motion to File an Amended Designation of Matter, along with the Amended Designation of Matter itself so that you would see it in its final form. I will attach the Amended Designation as an exhibit.

Once you have had the chance to review, can you please confirm whether Appellant consents to the filing of this motion and the Amended Designation? Should you have any questions or concerns, please do not hesitate to contact me. I really appreciate your assistance on this and look forward to hearing from you.

Best regards,
Stephanie

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