

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court Of Common Pleas

RECEIVED

The Honorable Charles B. Simmons, Jr., Master-in-Equity
OCT 18 2017

Common Pleas Case No.: 2014-CP-23-01871
Appellate Case No.: 2016-1787

SC Court of Appeals

China Construction America of South Carolina, Inc.....Appellant/Respondent,

vs.

MS Production Solutions LLC a/k/a MSPS Steel Fabricators, Manfred Sprenger and Patricia
Sprenger Respondents/Appellants

APPELLANT/RESPONDENT’S MOTION TO AMEND RECORD ON APPEAL

Pursuant to Rule 240, SCACR, Appellant/Respondent China Construction America of South Carolina, Inc. (“CCA”), moves to amend the Record on Appeal to include 44 pages that follow Plaintiff’s Exhibit 1, tab 3 that were inadvertently omitted from the original Record on Appeal.

Respondent’s Initial Brief of Appellant/Respondent was filed on August 31, 2017. On September 11, 2017, Respondents/Appellants moved for an extension of time to file a Reply. The Court granted Respondents/Appellants Motion, extending their deadline to file a Reply to September 25, 2017. However, Respondents/Appellants declined to file a Reply. On Monday, October 2, 2017, CCA filed its Proof of Service that it served a copy of the the Record on Appeal

on counsel for Respondents/Appellants. CCA's Proof of Service was timely filed because the 30th day after filing of its Initial Brief fell on Saturday, September 30, 2017.

On Tuesday, October 10, 2017, counsel for CCA noticed 44 pages of Plaintiff's Exhibit 1, tab 3 were inadvertently omitted from the Record and communicated the error to counsel for Respondents/Appellants. CCA corrected the Record, served an Amended Record on opposing counsel on October 11, 2017, and delivered copies of the Amended Record to the Court on October 16, 2017.

CCA respectfully requests this Court enter an Order allowing CCA to substitute the Original Record with the corrected Amended Record submitted to the Court on October 11, 2017. The error was inadvertent, and the pages missing from the Original Record are material to CCA's Appeal. The undersigned has consulted with counsel for Respondents/Appellants, and he consents to CCA's Motion to Amend the Record on Appeal.

Respectfully submitted,


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Construction America of South Carolina,
Inc.*

October 18, 2017

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China Construction America of South Carolina, Inc..... Appellant/Respondent,

vs.

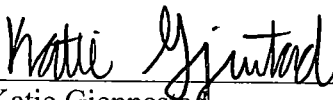
MS Production Solutions LLC a/k/a MSPS Steel Fabricators, Manfred Sprenger and
Patricia Sprenger Respondents/Appellants

PROOF OF SERVICE

I, Katie Gjennestad, of Bruner, Powell, Wall & Mullins, LLC, attorneys for the Appellants, do hereby certify that on this 18th day of October 2017, I served the **APPELLANT/RESPONDENTS MOTION TO AMEND RECORD ON APPEAL** upon the Respondent's attorney of record by depositing a copy of the same in U.S. Mail, first class, postage prepaid and addressed as follows:

J. Falkner Wilkes
Attorney at Law
114 Whitsett Street
Greenville, SC 29601

October 18, 2017


Katie Gjennestad

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** Also Admitted in District of Columbia

October 18, 2017

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED
OCT 18 2017
SC Court of Appeals

Re: China Construction America of S.C., Inc. v. MS Production Solution, LLC
Appellate Case No.: 2016-1787
C/A No.: 2014-CP-23-1871
Our File No.: 9-948.131

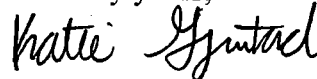
Dear Ms. Kitchings:

I have enclosed the original and seven (7) copies of the **APPELLANT/RESPONDENTS MOTION TO AMEND RECORD ON APPEAL**, a check in the amount of \$25.00 and a proof of service of this request on counsel for the Respondents/Appellants. Please stamp one copy and return it with our runner who will be waiting.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

With my kindest regards, I am

Sincerely yours,



Katie Gjennestad

Legal Assistant to Caitlin C. Heyward, Esq.

CCH/kg

Enclosures

cc: J. Falkner Wilkes