

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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OCT 20 2017

Appeal from Charleston County
Court of Common Pleas

SC Court of Appeals

Kristi Lea Harrington, Presiding Circuit Court Judge

Appellate Case No. 2016-002024

David Scot Lynd,

Appellant

v.

Isle of Palms, Dawn Caldwell, Individually and in her capacity
as an officer of the Isle of Palms Police Department, and South
Carolina Law Enforcement Division,

Respondents

**RESPONDENT'S ISLE OF PALMS' RESPONSE TO APPELLANT'S
MOTION FOR EMAIL OR ELECTRONIC NOTIFICATION**

Lynd has filed a motion to require the Court and other parties to serve him by facsimile or e mail. Problematically, Lynd did not serve that motion on undersigned counsel by mail or any other means. (It was only discovered upon calling the Clerks' office to inquire about the status of the case.) It is likely the other defendants have no idea about Lynd's motion. Lynd's motion should be denied upon that basis alone. Further, there is no provision in the Rules of Appellate Procedure for Lynd to require the Court or the parties to use email or fax for him. Lynd complains of letters giving him 10 days to do things, but these are only situations where he has failed to comply with the rules, often after repeated directions from the Clerk's Office to fix his submissions. This case has been repeatedly delayed by Mr. Lynd failing to comply with requirements of the South Carolina Appellate Court Rules. If Mr. Lynd would follow the proper procedural rules in the first place, there would be ample time for regular

mail. Additionally, this Court should take notice of the many, many extensions it has given Mr. Lynd to fix procedural defects. As is typical, the Clerk's office has been very generous as far as giving Lynd adequate opportunity to fix his filing problems. But the Court should hold Lynd to the letter of the rules going forward.

Still, undersigned counsel is willing to attempt to provide Lynd a copy of his submissions by fax or e mail as a courtesy. It is not undersigned counsel's intent to take advantage of Lynd.

CLAWSON and STAUBES, LLC



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Attorney for Respondent, Isle of Palms

Charleston, South Carolina

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Respondents

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2007, I have mailed Respondent's Isle of Palms' Response to Appellant's Motion for Email or Electronic Notification, regular first class mail, postage prepaid, to:

David Scot Lynd
2605 Rustown
Mesquite, TX 75150

Christopher Dorsel, Esquire
Senn Legal, LLC
PO Box 12279
Charleston, SC 29422-2279

David L. Morrison, Esquire
Morrison Law Firm, LLC
7453 Irmo Dr., Ste. B
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October 20, 2017

File No.: 20170190.000

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SC Court of Appeals

VIA US MAIL & FACSIMILE – 803-734-1839

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211-1629

Re: David Lynd v. Isle of Palms, Dawn Caldwell, Individually and in her capacity as an officer of the Isle of Palms Police Department, and South Carolina Law Enforcement Division
Case No.: 2016-002024

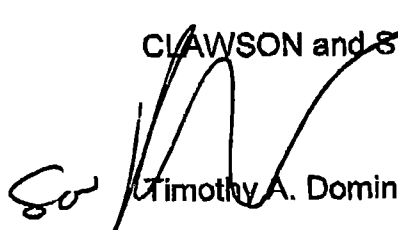
Dear Ms. Kitchings:

Enclosed please find the original and a copy of Respondent's Isle of Palms' Response to Appellant's Motion for Email or Electronic Notification along with the Certificate of Service, in the above-referenced case. Please file the original along with the other documents in this case and return the filed stamped copy to our office in the enclosed self-addressed stamped envelope. Should you have any questions, please do not hesitate to contact me.

Thank you very much for your attention to this matter.

Very truly yours,

CLAWSON and STAUBES, LLC



Timothy A. Domin

TAD/paa
Enclosures

cc: Mr. David Lynd (Via e-mail & US Mail & w/enclosures)
David L. Morrison, Esquire (Via US Mail & w/enclosures)
Christopher Dorsel, Esquire (Via US Mail & w/enclosures)

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