

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2017-000847

RECEIVED
NOV 09 2017
SC Court of Appeals

Shred with Us, LLC,

Appellant,

v.

Steffanie Dorn, City of
Greenwood Business License
Official,

Respondent.

MOTION TO REQUIRE RECORD ON APPEAL
TO CONFORM TO RESPONDENT'S
DESIGNATION OF MATTER

The Respondent moves the Court to require Appellant to serve a Record on Appeal that conforms to Respondent's Designation of Matter. This motion is made pursuant to Rule 240, SCACR, and Rule 210, SCACR, on the ground that Appellant did not include in the Record on Appeal matter properly designated by Respondent. Respondent's undersigned counsel received the Record on Appeal on October 30.

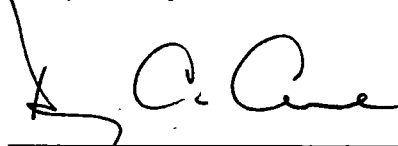
The specific designated matter excluded is from the designated "Certified Record filed by Dorn and City in Circuit Court (including cover sheet and Index, Order of City Council, Transcript (Minutes) of hearing before City Council, and all exhibits and

attachments).” The filed Record on Appeal excludes the “cover sheet and index” included in that designated item, and, more importantly, the filed Record on Appeal fails to include the certified and signed Transcript (Minutes) of the City Council evidentiary hearing that was contained in the designated “Certified Record.” Instead, the filed Record on Appeal substituted a Transcript that is not certified, is not signed, contains different text, and bears the wrong hearing date.

Appellant’s counsel previously was served with the “Certified Record” document. The Proof of Service of that document on February 3, 2017, is attached to the supporting memorandum.

Pursuant to Rule 240(c), SCACR, Respondent also submits a Memorandum in Support of this motion.

Respectfully submitted,



Danny C. Crowe
Crowe LaFave, LLC
P.O. Box 1149
500 Taylor Street, Suite 401
Columbia, South Carolina 29202
803-724-5728

AND

James Graham Padgett, III (Tripp)
The Law Firm of Bacot & Padgett, LLC
414 Monument Street, Suite C
Greenwood, SC 29646
864-227-1570

ATTORNEYS FOR RESPONDENT

November 9, 2017

THE STATE OF SOUTH CAROLINA
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Respondent.

RESPONDENT'S MEMORANDUM IN SUPPORT OF ITS
MOTION TO REQUIRE RECORD ON APPEAL
TO CONFORM TO RESPONDENT'S
DESIGNATION OF MATTER

This Memorandum is submitted in support of Respondent's Motion to Require Record on Appeal to Conform to Respondent's Designation of Matter.

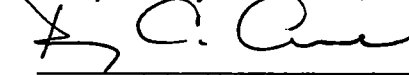
As stated in the Motion, the ground for the Motion is that Appellant did not include in the Record on Appeal matter properly designated by Respondent. A copy of Respondent's Designation of Matter to Be Included in the Record on Appeal with Proof of Service is attached.

Specifically, the filed Record on Appeal does not include all of Item 1 in

Respondent's Designation. Respondent designated the "Certified Record filed by Dorn and City in Circuit Court (including cover sheet and index, Order of City Council, Transcript (Minutes) of hearing before City Council, and all exhibits and attachments)." The filed Record on Appeal does not include the "cover sheet and index" of the Certified Record and, more importantly, it includes a different and unsigned version of the Transcript (Minutes) of the hearing before the City Council. The version of the Transcript (Minutes) contained in the filed Record on Appeal is apparently an earlier unsigned draft of the Transcript (Minutes) with a different meeting date and nonconforming text.

Under Rule 210, Appellant is required to "include all matter designated to be included by any party." The "Certified Record" document was properly designated by Respondent and was in the possession of Appellant's attorney. The designated "Certified Record" was served on Appellant's attorney on February 3, 2017. A copy of that Certificate of Service also is attached.

Respectfully submitted,



Danny C. Crowe
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803-724-5728

AND

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864-227-1570

ATTORNEYS FOR RESPONDENT

November 9, 2017

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2017-000847

Shred with Us, LLC,

Appellant,

v.

Steffanie Dorn, City of Greenwood
Business License Official,

Respondent.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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Respondent proposes the following to be included in the Record on Appeal:

1. Certified Record filed by Dorn and City in Circuit Court (including cover sheet and Index, Order of City Council, Transcript (Minutes) of hearing before City Council, and all exhibits and attachments).
2. Notice of Appeal filed by Shred with Us in Circuit Court.
3. Response to Notice of Appeal filed by Dorn and City in Circuit Court.
4. Transcript of hearing in Circuit Court.
5. Form 4 Order filed by Circuit Court on February 23, 2017.
6. Order filed by Circuit Court on March 27, 2017.

I certify that this designation contains no matter which is irrelevant to this appeal.

September 20, 2017



Danny C. Crowe
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500 Taylor Street, Suite 401
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803-724-5728

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James Graham Padgett, III (Tripp)
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ATTORNEYS FOR RESPONDENT

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2017-000847

Shred with Us, LLC,

Appellant,

v.

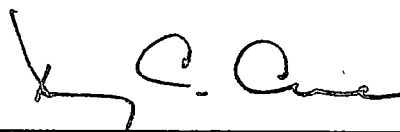
Steffanie Dorn, City of Greenwood
Business License Official,

Respondent.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondent and the Designation of Matter to be Included in the Record on Appeal on Shred with Us, LLC, by causing a copy of it to be deposited in the United States Mail, postage prepaid, on September 20, 2017, addressed to its attorney, C. Rauch Wise, Esquire, 305 Main Street, Greenwood, South Carolina 29646.

September 20, 2017



Danny C. Crowe
Crowe LaFave, LLC
P.O. Box 1149
500 Taylor Street, Suite 401
Columbia, South Carolina 29202
803-724-5728

Attorney for Respondent

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SEP 20 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)
)
Steffanie Dorn, City of Greenwood)
Business License Official,)
)
Respondent,)
v.)
Shred with Us, LLC,)
)
Appellant.)

IN THE COURT OF COMMON
PLEAS

EIGHTH JUDICIAL CIRCUIT

**CERTIFICATE OF SERVICE
VIA EMAIL TRANSMISSION**

2017-CP-24-0009

2017 FEB -3 PM 3:14

FILED IN JUDICIAL PLEAS
8th JUDICIAL CIRCUIT
GREENWOOD, SC

The undersigned of the law firm of Bacot & Padgett, LLC, does hereby certify that on the 3 day of February, 2017, she served the Certified Copy of Original Record of Proceedings and Evidence Before the City Court to:

C. Rauch Wise
rauch@simplepc.net
rauchwise@gmail.com

BACOT & PADGETT, LLC



BY: Eileen Lane
414 Monument Street, Suite C
Greenwood, SC 29646
Phone: (864) 227-1570
Fax: (864) 227-2610

Greenwood, South Carolina

February 3, 2017

cc: client

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

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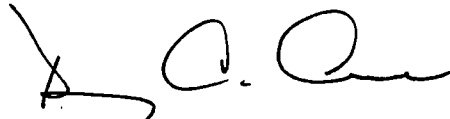
Steffanie Dorn, City of Greenwood
Business License Official,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Require Record on Appeal to Conform to Respondent's Designation of Matter and Respondent's Memorandum in Support of its Motion to Require Record on Appeal to Conform to Respondent's Designation of Matter, by causing a copy of it to be deposited in the United States Mail, postage prepaid, on November 9, 2017, addressed to its attorney, C. Rauch Wise, Esquire, 305 Main Street, Greenwood, South Carolina 29646.

November 9, 2017



Danny C. Crowe
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Attorney for Respondent

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CROWE
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November 9, 2017

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Via Hand Delivery

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

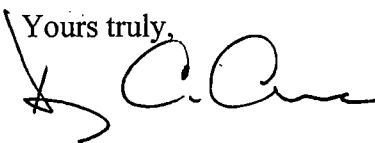
RE: Shred with Us, LLC v. Steffanie Dorn, City of Greenwood Business License Official
Case No. 2017-000847

Dear Ms. Kitchings:

Please find enclosed for filing an original and one copy of the Motion to Require Record on Appeal to Conform to Respondent's Designation of Matter, Respondent's Memorandum in Support of its Motion to Require Record on Appeal to Conform to Respondent's Designation of Matter, and Proof of Service in the above-captioned matter. Also enclosed is a check in the amount of \$25.00 representing the filing fee.

Once filing is complete, please return the clocked copy to the individual presenting the documents for filing. By copy of this correspondence, I am hereby serving a copy of this Motion and Memorandum on Mr. Wise.

With kind regards,

Yours truly,


Danny C. Crowe

DCC/dmb
Enclosures

cc: C. Rauch Wise, Esquire (via mail and e-mail)
James Graham Padgett, III, Esquire (via e-mail)