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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable L. Casey Manning, Fifth Judicial Circuit Court Judge

RECEIVED
DEC 13 2017
SC Court of Appeals

Case No. 2015-CP-400-2395
Appellate Case No. 2016-002268

Taliah Shabazz.....Appellant,

v.

Bertha Rodriguez.....Respondent.

**Respondent's Motion for
Supplementation of Record on Appeal**

The Respondent respectfully requests that this Court issue an Order requiring the Appellant to file an Amended or Supplemental Record on Appeal. As demonstrated below, the Record on Appeal previously filed by the Appellant omits several portions of the trial transcript that were properly designated for inclusion by the Respondent.

1. On May 22, 2017, the Respondent filed and served her Initial Respondent's Brief and Designation of Matter to be Included in the Record on Appeal. A copy of the Designation of Matter is included as an exhibit to this motion.

2. The Designation of Matter specifically identified the following pages from the trial transcript for inclusion in the Record on Appeal: pages 42-84, 87-97, and 109-170.

3. The Appellant failed to serve the Record on Appeal within the time set by the Court. After that date had passed, however, the Appellant served a Record on Appeal, along with a motion asking the Court to accept the late filing.

4. The Record on Appeal in its current form does not contain the following pages of the trial transcript: pages 42-44, 53-84, 132-133, 136-138, and 169-170. The Respondents designated all of those pages to be included in the Record on Appeal.

5. The Respondent has previously filed a Motion to Dismiss the Appeal, and the Court has not ruled on that motion, or on the Appellant's motion to accept the untimely Record on Appeal. The Respondent still takes the position that the Court should deny the Appellant's motion and dismiss the appeal.


6. However, if the Court allows the appeal to proceed, the Record on Appeal should contain all of the materials designated by the Respondent.

Therefore, if this appeal is permitted to continue, the Respondent requests that the Court order the Appellant to file and serve either an Amended Record on Appeal or a Supplemental Record on Appeal that contains the pages of the trial transcript that were omitted from the current Record on Appeal. The Respondent would consent to a Supplemental Record on Appeal containing the missing trial transcript pages (as opposed to a completely Amended Record on Appeal) if that would result in lower costs to the Appellant.

The Respondent further requests that the deadline for filing and serving the Final Respondent's Brief be held in abeyance until the Court rules on this motion.

(Signature on next page.)

Respectfully Submitted,



R. Hawthorne Barrett

Allyce Bailey

Turner Padgett Graham & Laney P.A.

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Attorneys for the Respondent

December 13, 2017

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2016-002268

Taliah Shabazz,.....Appellant,

v.

Bertha Rodriguez,.....Respondent.

**Respondent's Designation of Matter to be
Included in the Record on Appeal**

The Respondent designates the following materials to be included in the Record on Appeal with regard to the Initial Respondent's Brief:

1. Summons and Complaint;
2. Answer;
3. Trial Transcript: pages 42-84, 87-97, 109-170;
4. Plaintiff's Post-Trial Motion;
5. Order denying Plaintiff's Post-Trial Motion.

I certify that this designation does not include any matter that is irrelevant to the issues on appeal.

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Allyce Bailey

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L. Casey Manning, Circuit Court Judge

Appellate Case No. 2016-002268

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PROOF OF SERVICE

The undersigned, an attorney in this matter for the Respondent, certifies that I have this **13th day of December, 2017**, served a copy of the **Respondent's Motion for Supplementation of the Record on Appeal** upon the *pro se* Appellant by causing it to be deposited in the United States mail with sufficient postage, addressed to: Taliah Shabazz; 6289 U.S. Highway 321 S; Winnsboro, SC 29180.

(Signature on next page)

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Attorneys for the Respondent

December 13, 2017

Turner | Padget

Carolyn B. Briggs

REPLY TO:

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Writer's Direct Dial: (803) 227-4217
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December 13, 2017

Via Hand Delivery

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

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SC Court of Appeals

Re: Taliah Shabazz v. Bertha Rodriguez
Appellate Case No. 2016-002268
Our File No. 1464.7551

Dear Ms. Kitchings:

Enclosed is the original and one copy of Respondent's Motion for Supplementation of Record on Appeal, and the Proof of Service. Please file the original and return the stamped copy to our courier. Thank you for your kind assistance.

Sincerely,

TURNER PADGET GRAHAM & LANEY P.A.



Carolyn B. Briggs
Legal Assistant to R. Hawthorne Barrett

CBB
Enclosures

cc: Taliah Shabazz, Pro Se