

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

RECEIVED

The Honorable Carmen T. Mullen, Circuit Court Judge **JUN 14 2018**

SC Court of Appeals

Case No. 2017-CP-27-0386
Appellate Case No. 2017-002548

First Team Hyundai, LLC d/b/a Hilton Head Hyundai Appellant

v.

Gregory Hackney Respondent

OBJECTION TO RESPONDENT’S MOTION
TO INCLUDE PROPOSED DESIGNATION OF MATTER

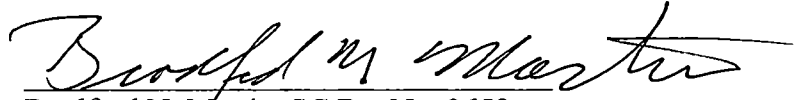
Rule 210(c) of the South Carolina Rules of Appellate Procedure prohibits any matter in the Record on Appeal which was not presented to the lower court. Respondent’s Motion attempts to include two such items. The document that Respondent describes as Answer/Answer is not an Answer to Appellant’s Complaint. Rather it is a letter from Respondent to the Jasper County Sheriff’s Office regarding the Wal-Mart video. The document was filed with the Clerk’s office at 5:13 p.m. on October 31, 2017. The lower court’s Order was signed electronically at 10:16 a.m. on October 31st. Therefore, the letter was not before the lower court.

Respondent admits in his Motion that the Wal-Mart video was not presented to the lower court because it was unreadable due to a formatting issue. Therefore, it would be inappropriate to include the video in the Record.

Appellant therefore respectfully requests that Respondent's Motion be denied as to the letter to the Jasper County Sheriff's Office filed October 31, 2017 and the Wal-Mart video and that these items be excluded from the Record on Appeal.

Respectfully submitted,

Date 11 June 2018



Bradford N. Martin, SC Bar No. 3658

Laura W. H. Teer, SC Bar No. 16698

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**ATTORNEYS FOR FIRST TEAM HYUNDAI,
LLC d/b/a HILTON HEAD HYUNDAI**

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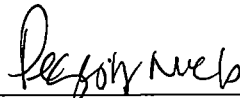
v.

Greg S. Hackney Respondent

PROOF OF SERVICE

I, Peggy McComb, Legal Assistant to attorney for Appellant, certify that I have served a copy of Appellant's Initial Reply Brief and Objection to Respondent's Motion to Include Proposed Designation of Matter by depositing a copy in the U.S. Mail, postage prepaid, on June 11, 2018, addressed to Greg S. Hackney, 30 Old Vermont Place, Sandy Springs, GA 30328.

June 11, 2018



Legal Assistant to
Bradford N. Martin, Esq. (SC Bar No. 3658)
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June 11, 2018

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SC Court of Appeals

The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *First Team Hyundai, LLC dba Hilton Head Hyundai v. Greg S. Hackney*
C.A. No. 2017-CP-27-0386
Appellate Case No. 2017-002548

Dear Ms. Kitchings:

Enclosed for filing is an original and one copy of Appellant's Initial Reply Brief and Objection to Respondent's Motion to Include Proposed Designation of Matter and a Proof of Service in the above captioned matter. Please file the originals with your Court and return clocked copies to me in the enclosed envelope.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Bradford N. Martin

BNM/pm
Enclosures
cc: Greg S. Hackney

FIRST CLASS MAIL

BRADFORD NEAL MARTIN & ASSOCIATES, PA
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P.O. BOX 10410 (29603)
GREENVILLE, SC 29601

TO:

The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

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