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**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM JASPER COUNTY
Benjamin CP Sapp Court of Common Pleas**

Case No: 2015-CP-27-00524

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JUN 22 2018

Appellant Case No: 2017-002286

SC Court of Appeals

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR GSAA
HOME-EQUITY TRUST 2006-17,
ASSET-BACKED CERTIFICATES,
SERIES 2006-17,**

Respondent

v.

**LOUISE LEGARE GARDNER; ONE
WEST BANK, NATIONAL ASSOCIATION
s/b/m to INDYMAC BANK, F.S. B.,**

Defendants

Of Whom LOUISE LEGARE GARDNER is the

Appellant.

**RESPONDENT'S MOTION FOR LEAVE TO FURTHER
SUPPLEMENT THE RECORD ON APPEAL AND MOTION FOR EXTENSION OF
TIME TO FILE FINAL BRIEF OF RESPONDENT**

Respondent Deutsche Bank National Trust Company, as Trustee for GSAA Home Equity Trust 2006-17, Asset-Backed Certificates, Series 2006-17, through undersigned counsel, hereby seeks leave to further supplement the Record on Appeal, seeks an extension of time to file its Final Brief of Respondent, and states as follows:

Background

1. Appellant filed her Initial Reply Brief on March 20, 2018.
2. Following Appellant's request for an extension of time, which this Court granted, Appellant's deadline to serve the Record on Appeal was April 30, 2018.
3. On or around April 30, 2018, Appellant served Respondent with the Record on Appeal. The content of the Record on Appeal that was served on Respondent is identical to that filed with the Court by Appellant on May 2, 2018.
4. Because the Record on Appeal that Appellant served on Respondent did not comply with SCACR 210(c) – insofar as it failed to include all of the matter designated by Respondent to be included in the Record on Appeal – Respondent sought and obtained leave to file a Supplemental Record on Appeal pursuant to SCACR 212(b).
5. Respondent filed the Supplemental Record on Appeal on June 6, 2018.
6. Pursuant to SCACR 211(a), Respondent's deadline to file its Final Brief of Respondent is presently June 25, 2018.

Issue and Argument

7. In preparing the Final Brief of Respondent, Respondent determined that one document it cited to in its Initial Brief of Respondent is not contained in either the Record on Appeal or the Supplemental Record on Appeal. That document is the Record of Hearing for the Foreclosure Case.
8. With regard to the Record of Hearing for the Foreclosure Case, Respondent cited to and relied on this document in its Initial Brief of Respondent. However, Respondent inadvertently omitted this document from its Designation of Matter to be Included in the Record

on Appeal and, therefore, similarly omitted the document from its Supplemental Record on Appeal.

9. Unless and until the above-referenced document is added to the Record on Appeal, Respondent cannot submit its Final Brief of Respondent in compliance with SCACR 211(b)(1) because there is no reference in the record to which Respondent can cite with regard to this document. Therefore, Respondent moves for leave of Court to further supplement the record pursuant to SCACR 212(b) by adding the Record of Hearing for the Foreclosure Case.

10. The above-referenced document fully complies with SCACR 210(c)'s limitation on the content of the Record on Appeal because it was filed with the trial court.

11. Respondent simultaneously seeks an extension of time within which to file and serve its Final Brief of Respondent, which will allow the Court time to rule on the within motion for leave to further supplement the record.

12. Apart from previously asking the Court to stay all deadlines for the parties to serve and file final briefs (so the Court could rule on Respondent's motion to supplement the record with documents the Appellant should have, but failed to, include in the Record on Appeal in the first instance), this is Respondent's first request for an extension of the deadline to file and serve its Final Brief of Respondent.

13. Appellant will not be prejudiced by the inclusion of the above-referenced document in the Record on Appeal. It is a trial court document that Appellant should already have in her possession. Moreover, Respondent cited to the above-referenced document in its Initial Brief of Respondent filed approximately four months ago on February 27, 2018. Therefore, Appellant cannot claim unfair surprise.

14. Appellant will likewise not be prejudiced by an extension of time for Respondent to file and serve its Final Brief of Respondent. As noted, apart from previously asking the Court to hold in abeyance the deadlines to file final briefs (necessitated by Appellant's failure to comply with SCACR 210(c)), this motion represents Respondent's first request for an extension of any deadline in this appeal. By contrast, Appellant has sought three extensions of time amongst myriad other extraordinary requests, including a motion seeking indeterminable relief filed on June 13, 2018 that – at the time of this filing – remains pending before the Court.

Relief Sought

15. As noted, Respondent seeks leave of Court to further supplement the Record on Appeal with the Record of Hearing for the Foreclosure Case.

16. If and when the Court grants the herein requested leave to further supplement the record, Respondent is prepared to file and serve a Second Supplemental Record on Appeal within ten (10) days of said order.

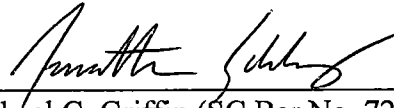
17. Because Respondent's Final Brief of Respondent is presently due June 25, 2018, Respondent seeks an extension of that deadline, through and including ten (10) days following the Court's ruling on Respondent's herein motion for leave to further supplement the record.

WHEREFORE, for the reasons stated above, Respondent requests as follows:

- a. That the Court grant Respondent's Motion for Leave to Further Supplement the Record on Appeal, permitting Respondent to add the following document to the Record on Appeal: the Record of Hearing for the Foreclosure Case;

- b. That the Court grant Respondent's Motion for Extension of Time to File Final Brief of Respondent;
- c. That the Court allow Respondent through and including ten (10) days following its ruling on this Motion to file and serve a Second Supplemental Record on Appeal and its Final Brief of Respondent; and
- d. That the Court issue such other and further relief as it deems appropriate.

This 21st day of June, 2018.



Michael C. Griffin (SC Bar No. 72868)
Jonathan Schulz (SC Bar No. 79850)
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*Attorneys for Defendant Deutsche Bank National
Trust Company, as Trustee for GSAA Home Equity
Trust 2006-17, Asset-Backed Certificates, Series
2006-17*

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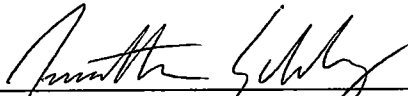
PROOF OF SERVICE

I hereby certify that a copy of the foregoing **RESPONDENT'S MOTION FOR LEAVE TO FURTHER SUPPLEMENT THE RECORD ON APPEAL AND MOTION FOR EXTENSION OF TIME TO FILE FINAL BRIEF OF RESPONDENT** was sent via first-class U.S. Mail, postage prepaid, and addressed as follows:

Louise Legare-Gardner
P.O. Box 3443
Bluffton, SC 29910

Bradford Meekin Stokes
Wesley D. Dail
Genevieve Speese Johnson
Brock & Scott PLLC
3800 Fernandina Way, Suite 110
Columbia, SC 29210

This 21st day of June, 2018.


Jonathan Schulz (SC Bar No. 79850)

Jonathan Schulz
Direct Dial: (704) 338-6127
E-mail: jschulz@bradley.com

June 21, 2018

VIA FEDEX OVERNIGHT

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

RECEIVED

JUN 22 2018

SC Court of Appeals

Re: *Deutsche Bank National Trust Company, as Trustee for GSAA Home-Equity Trust 2006-17, Asset-Backed Certificates, Series 2006-17 v. Gardner*
Appellate Case No. 2018-002286

Dear Ms. Kitchings:

In connection with the above appeal, enclosed for filing please find one (1) original and seven (7) copies of Respondent Deutsche Bank's Motion for Leave to Further Supplement the Record on Appeal and Motion for Extension of Time to File Final Brief of Respondent. Please file the original, retain six (6) copies per SCACR 240(d), and return one (1) file-stamped copy in the enclosed pre-paid Federal Express envelope provided for your convenience.

I have also enclosed a check from my firm in the amount of twenty-five dollars (\$25.00) to pay for the filing fee.

Thank you for your assistance. Please do not hesitate to contact me should you have any questions or concerns about the above.

Best regards,



Jonathan Schulz

Enclosures

cc: Louise Legare-Gardner (with encl. via US Mail)
Bradford Meekin Stokes (with encl. via US Mail)
Wesley D. Dail (with encl. via US Mail)
Genevieve Speese Johnson (with encl. via US Mail)

✓

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CAD: 108524996/INET3340

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TO JENNY ABBOTT KITCHINGS, CLERK
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

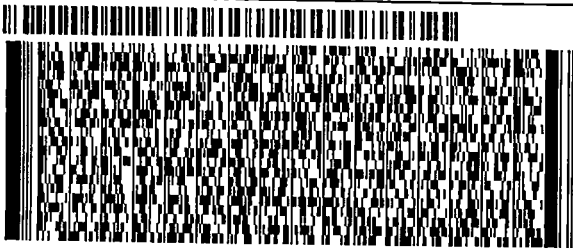
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(803) 734-1890
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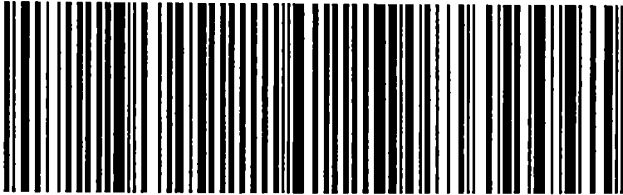
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