

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas  
William H. Seals, Jr., Circuit Court Judge

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Civil Action No. 2016-CP-28-00583  
Appellate Case No. 2017-002514

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**RECEIVED**  
SEP 17 2018  
SC Court of Appeals

James Teal,.....Appellant,

v.

Edwards Telecommunication, Inc. and Leroy Smith, Director of Dep't of Public Safety, Defendants,  
Of which Leroy Smith, Director of Dep't of Public Safety is the .....Respondent.

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**RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR APPELLANT'S  
MEDICAL RECORDS TO BE ACCEPTED FOR APPELLANT'S RECORD ON  
APPEAL**

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After receiving a copy of the Record on Appeal on August 4, 2018, Respondent moved to dismiss this appeal, in part based on Appellant's inclusion of additional exhibits that were not part of the record below. Appellant now moves for inclusion of these exhibits, which consist of medical records, in the Record on Appeal.

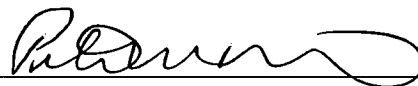
Respondent opposes Appellant's motion for medical records to be accepted as part of the Record on Appeal. Appellant asserts that the "medical records were brought forward in the Court Transcript and Appellant's Initial Brief." Rather than even attempt to properly prepare the Record on Appeal so that this matter can be considered by the Court, Appellant is now moving to include documents that were not presented to the lower court. Appellant's motion should be denied, and this appeal should be dismissed.

Appellant filed a Record on Appeal on August 21, 2018. The Record contained three pages of medical records as Exhibits 1, 2, and 3. These records were not presented to the lower court or designated by Appellant.

Appellant did not designate any medical records in his Designation of Matter. (See Appellant's Designations of Matter filed on August 21, 2018, and September 4, 2018). The Record on Appeal should include only those matters designated by the parties. See Rule 209, SCACR.

Materials that were not presented to the lower court may not be included in the record. Rule 210(c), SCACR. There were no exhibits introduced in the lower court at the hearing on Respondent's motion to dismiss. (See Exhibit One, pages 1-2, attached hereto).

Respondent requests that Appellant's motion for inclusion of medical records be denied. Respondent additionally requests that Respondent's motion to dismiss be granted and that this appeal be dismissed. Appellant has had ample time and opportunity to file the Record on Appeal but has failed to do so. Respondent has been forced to spend additional time and expense on issues related to the Record on Appeal. At this point it seems highly unlikely that this Court will be provided with a proper Record on Appeal. Therefore, this matter should be dismissed.



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Attorney for Respondent Leroy Smith, Director of  
Dep't of Public Safety

September 14, 2018  
Columbia, South Carolina

|                             |   |                       |
|-----------------------------|---|-----------------------|
| STATE OF SOUTH CAROLINA     | ) |                       |
|                             | ) | COURT OF COMMON PLEAS |
| County of Kershaw           | ) | 2016-CP-28-00583      |
|                             | ) |                       |
| JAMES TEAL,                 | ) |                       |
|                             | ) |                       |
| PLAINTIFF,                  | ) |                       |
|                             | ) |                       |
| vs.                         | ) | TRANSCRIPT OF RECORD  |
|                             | ) |                       |
| EDWARDS TELECOMMUNICATIONS  | ) |                       |
| INC. AND LEROY SMITH,       | ) |                       |
| SELECTIVE INSURANCE COMPANY | ) |                       |
| OF AMERICA,                 | ) |                       |
|                             | ) |                       |
| DEFENDANTS,                 | ) |                       |

October 24, 2017  
Camden, South Carolina

BEFORE:

THE HONORABLE WILLIAM H. SEALS, JR., JUDGE.

APPEARANCES:

JAMES TEAL, APPEARING PRO SE

PETER BALTHAZOR, ESQ.  
Attorney for the Defendant Leroy Smith

Rogers Harrell, Esq.  
Attorney for the Defendant Edwards Telecommunications

KAREN AMBROZIAK  
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

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Of which Leroy Smith, Director of Dep't of Public Safety is the .....Respondent.

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**CERTIFICATE OF SERVICE**

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I do hereby certify that I caused to be served the **RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR APPELLANT'S MEDICAL RECORDS TO BE ACCEPTED FOR APPELLANT'S RECORD ON APPEAL** upon the below-named party by depositing a copy of the same in the U.S. Mail, first class postage prepaid, and addressed as follows:

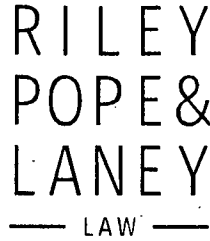
James Teal, *Pro Se*  
2832 Tee Pee Trail  
Elgin, South Carolina 29045-9758

  
\_\_\_\_\_  
Kimberly R. Bickford  
Paralegal

September 14, 2018  
Columbia, South Carolina

**South Carolina**

Riley Pope & Laney, LLC  
2838 Devine Street  
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Phone: 803.799.9993  
Fax: 803.239.1414



**North Carolina**

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Fax: 704.625.9430

September 14, 2018

**RECEIVED**  
SEP 17 2018  
SC Court of Appeals

**VIA HAND-DELIVERY**

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

Re: James Teal, Appellant v. Edwards Telecommunication, Inc. and Leroy Smith, Director of Dep't of Public Safety, Defendants, Of which Leroy Smith, Director of Dep't of Public Safety is the Respondent  
Civil Action No.: 2016-CP-28-00583  
Appellate Case No.: 2017-002514  
Our File No.: 5021.01117

Dear Ms. Kitchings:

Please find enclosed the original and six copies of the Respondent's Return to Appellant's Motion for Appellant's Medical Records to be Accepted for Appellant's Record on Appeal, with Certificate of Service in the above-referenced matter. Please file the enclosed document and return a filed copy with my runner.

Thank you for your kind assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly R. Bickford".

Kimberly R. Bickford  
Paralegal

/krb

Enclosures

Cc: James Teal, *Pro Se*