

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Michael Nettles, Circuit Court Judge
Trial Court Case No.: 2017CP2307401

Appellate Case No.: 2018-001020

Terry Edward McCall,

Appellant,

vs.

Barnes Towing,

Respondent.

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SEP 24 2018
SC Court of Appeals

**MOTION TO EXCLUDE MATTERS
FROM THE RECORD ON APPEAL**

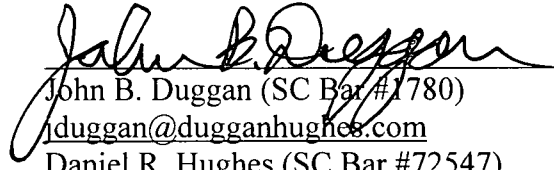
Respondent moves the Court to exclude from the record on Appeal certain matters Appellant listed in his Designation of Matters to be Included in the Record.

Respondent objects to the inclusion in the Transcript of Record the following matters because they were not in the record considered by the Circuit Court: (1) Motion for Summary Judgment and Memorandum, (2) Plaintiff's Potential Witness List, (9) Mike Barnes Repairman's Lien/Affidavit, and Plaintiff's Exhibits 2, 3, and 4.

Respondent objects to the inclusion of the CD recording of the trial in Magistrate's Court because it was not in the record before the Circuit Court and Appellant has not provided a copy thereof to counsel for the Respondent.

Respectfully submitted,

DUGGAN & HUGHES, LLC



John B. Duggan (SC Bar #1780)

jduggan@dugganhughes.com

Daniel R. Hughes (SC Bar #72547)

dhughes@dugganhughes.com

P.O. Box 449

Greer, SC 29652-0449

Telephone: (864) 334-2500

Fax: (864) 879-0149

Attorneys for the Respondent Barnes Towing

September 21, 2018
Greer, South Carolina

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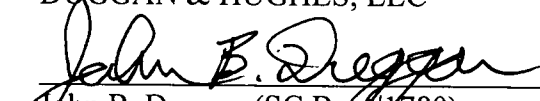
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PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondent, Designation of Matters to be Included in the Record on Appeal, Motion to Exclude Matters from the Record on Appeal, and Proof of Service by way of the Office of General Counsel at the South Carolina Department of Corrections upon Terry Edward McCall by depositing a copy of same in the United States Mail, Via Certified Mail Article No.: 7015 1520 0002 5152 3751, postage prepaid, addressed to:

Certified Mail Article No.: 7015 1520 0002 5152 3751
Office of General Counsel
South Carolina Department of Corrections
Post Office Box 21787
Columbia, SC 29221-1787

DUGGAN & HUGHES, LLC


John B. Duggan (SC Bar #1780)
jduggan@dugganhughes.com

Daniel R. Hughes (SC Bar #72547)

dhughes@dugganhughes.com

P.O. Box 449

Greer, SC 29652-0449

Telephone: (864) 334-2500

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Attorneys for the Respondent Barnes Towing

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Greer, South Carolina

87918

DUGGAN & HUGHES, LLC
ATTORNEYS AND COUNSELORS AT LAW

John B. Duggan
Daniel R. Hughes
Evan C. Bramhall
Ann Marie Howell

457-B Pennsylvania Avenue
Greer, South Carolina 29650
Telephone: (864) 879-0144 or (864) 334-2500
Facsimile: (864) 879-0149

Mailing Address
Post Office Box 449
Greer, S.C. 29652

September 21, 2018

South Carolina Court of Appeals
Attn: Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

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Re: Terry Edward McCall v. Barnes Towing
Appellate Case No.: 2018-001020


Dear Clerk of Court:

Please find enclosed the original and one copy of Initial Brief of Respondent, Designation of Matters to be Included in the Record on Appeal, Motion to Exclude Matters from the Record on Appeal, and Proof of Service for same in regard to the above referenced Appeal.

Furthermore, please find enclosed this firm's check made payable to you in the amount of \$25 for your motion fee, along with a self-addressed stamped envelope for your convenience in returning a clocked copy of these documents to me.

Sincerely,

DUGGAN & HUGHES, LLC



Susan E. Guest
Paralegal

Enclosures

Cc : Terry McCall
Livesay Correctional Institution
Dorm B - Room 13
P.O. Box 580
Una, SC 29378