

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

In the Courts of Common Pleas of Beaufort and Florence Counties
Trial Court Case Nos. 2016-ES-07-00302, 2016-CP-21-01435, and 2015-ES-21-00778

The Honorable Kenneth E. Fulp, Jr. and
The Honorable Roger L. Couch

Appellate Case No. 2017-002290

RECEIVED

NOV 26 2018

SC Court of Appeals

Deborah B. Harwell Respondent/Appellant

v.

Robert Bryan Harwell, individually and as the Personal
Representative of the Estate of David W. Harwell; and the South
Carolina Department of Health and Environmental Control,
Division of Vital Records Defendants

Of whom Robert Bryan Harwell, individually and as the Personal
Representative of the Estate of David W. Harwell is the Respondent/Appellant

And the South Carolina Department of Health and Environmental
Control, Division of Vital Records is the Respondent

v.

Law Office of Deirdre W. Edmonds, P.A. and Deirdre W.
Edmonds, individually Appellants/Respondents

APPELLANTS/RESPONDENTS' MOTION FOR LEAVE TO FILE CORRECTED FINAL
BRIEFS AND RECORD ON APPEAL

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Attorneys for Appellants/Respondents

Other Counsel of Record:

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Harwell, individually and as the Personal
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Harwell, individually and as the Personal
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Harwell, individually and as the Personal
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Deborah B. Harwell, *Pro Se*
1459 River Highway
Mooresville, NC 28117
Respondent/Appellant

AND NOW COME Appellants/Respondents Law Office of Deidre W. Edmunds, P.A. and Deidre W. Edmunds, individually ("Movants"), and file the following Motion for Leave to File Corrected Final Briefs and Record on Appeal:

1. On or about October 12, 2018, Movants served the Record on Appeal on all parties and counsel of record. The version of the Record on Appeal served on that date contained all items designated by the parties, save two items that were apparently not presented to the court below and are the subject of Respondent/Appellant R. Bryan Harwell's Motion to Strike Certain Items from the Record.

2. On or about November 2, 2018, Movants filed the appropriate number of copies of the Record on Appeal. On the same date, Movants also filed the following briefs (collectively the "Final Briefs"):

- Appellants/Respondents' Final Appellants' Brief
- Appellants/Respondents' Final Respondents' Brief
- Appellants/Respondents' Final Reply Appellants' Brief

3. Unfortunately, the version of the Record on Appeal was inadvertently not the same version that Movants had previously served on the parties and counsel. Specifically, the version that Movants filed on November 2, 2018 mistakenly omitted: (a) June 16, 2016 Family Court Contempt Order; and (b) September 21, 2016 Order Denying Defendant's Motion to Reconsider and for New Trial.

4. Additionally, because Movants filed the incorrect version of the Record on Appeal, its page references to the Record on Appeal in its Final Brief are inaccurate.

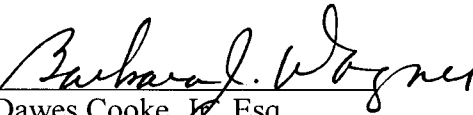
5. As a result of the foregoing, Movants respectfully request that the Court grant them leave to file the Corrected Record on Appeal, *i.e.*, the version of the Record on Appeal served on October 2, 2018.

6. In addition, Movants request leave to file corrected Final Briefs, which will correct errors in the Final Briefs filed on November 2, 2018 resulting from Movants' use of the incorrect Record on Appeal.

7. Movants have requested consent from counsel for Respondent/Appellant R. Bryan Harwell to the request for relief set forth herein. Counsel has graciously consented to this request. The other party to this appeal, Deborah Harwell, is proceeding *pro se*.

8. Therefore, for all of the foregoing reasons, Movants respectfully request that this Honorable Court grant them leave to file a Corrected Record on Appeal and Corrected Final Briefs as set forth above.

BARNWELL WHALEY PATTERSON &
HELMS, LLC

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Control, Division of Vital Records is the Respondent

v.

Law Office of Deirdre W. Edmonds, P.A. and Deirdre W.
Edmonds, individually Appellants/Respondents

PROOF OF SERVICE

I certify that I have served the Corrected Final Respondents' Brief of Appellants/Respondents on the above-referenced Motion for Leave to File Corrected Final Briefs and Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on November 15, 2018, addressed to them or to their attorneys of record:

Kevin M. Barth, Esq.
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P.O. Box 107
Florence, SC 29503

Attorney for Respondent/Appellant Robert Bryan Harwell, individually and as the Personal Representative of the Estate of David W. Harwell

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504 S. Colt Street
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***Attorney for Respondent/Appellant Robert Bryan
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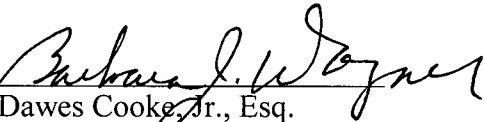
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John Harleston
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November 15, 2018

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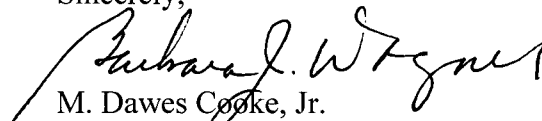
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Deborah B. Harwell v. Robert Bryan Harwell, individually and as Personal Representative of the Estate of David W. Harwell, and South Carolina Department of Health and Environmental Control Division of Vital Records, and Law Office of Deirdre W. Edmonds, PA; and Deirdre W. Edmonds, individually
Case Nos.: 2016-ES-07-00302, 2016-CP-21-01435, and 2015-ES-21-00778
Appellate Case No.: 2017-002290

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Appellants/Respondents' Motion to for Leave to File Corrected Final Briefs and Record on Appeal and the original and one (1) copy of a Proof of Service of the same. I have also enclosed a \$25.00 check for the filing fee. Please file the Motion and Proof of Service and return a clocked copy of each to me in the envelope provided. Thank you for your assistance. By copy of this correspondence, we are serving a copy of the Motion upon counsel of record.

Sincerely,


M. Dawes Cooke, Jr.
Barbara J. Wagner

MDCjr/BJW/jgc
Enclosures

cc (w/enclosures): Kevin M. Barth, Esq.
Gena Phillips Ervin, Esq.
Blake A. Hewitt, Esq.
Deborah B. Harwell, *pro se*
John Harleston

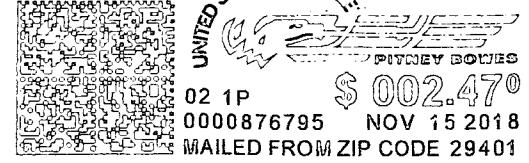
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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.



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59.026
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