

88654

**RECEIVED**

DEC 27 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2018-001090

---

Rosa Maritza Galban Aranda,..... Respondent,

vs.

Rigoberto Ortega,..... Appellant.

---

RESPONDENT`S MOTION TO COMPEL APPELLANT TO FILE  
AMENDED RECORD ON APPEAL

---

Plaintiff/Respondent moves for an order compelling Appellant to immediately prepare and file an Amended Record on Appeal. The grounds for this motion are briefly summarized below.

On August 27, 2018, Appellant filed a Designation of Matter to be Included in the Record on Appeal. Thereafter, on October 12, 2018, Respondent filed his Designation of Matter to be Included in the Record on Appeal; #11 of this list reads "Affidavit of Debra Curwen, dated March 21, 2018." This was the second affidavit completed by Ms. Curwen. The

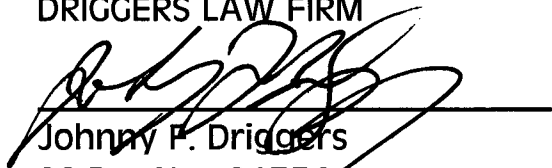
Order which is the subject of this appeal contains a reference to consideration of all affidavits, including Ms. Curwen's affidavit omitted from the Record.

This oversight was brought to the attention of Appellant's attorney; and, this development required Respondent to request an extension to file her final brief. During this same time period it was discovered the above-referenced affidavit, which was handed to the trial judge at the hearing, remained in the trial judge's file instead of having been clocked in by the clerk's office. The affidavit was subsequently time-stamped on December 7, 2018.

Respondent's counsel was under the impression an amended Record on Appeal would be prepared and filed, including this missing affidavit. However, to date, no amended Record on Appeal has been filed. Consequently, Respondent is unable to file a final brief in compliance with SCAR 211.

December 21, 2018  
Goose Creek, South Carolina

DRIGGERS LAW FIRM



Johnny F. Driggers  
SC Bar No.: 01754  
108 Central Avenue, Suite 7  
Goose Creek SC 29445  
(843) 572-8222  
ATTORNEY FOR RESPONDENT

Other Counsel of Record:

Thomas O. Sanders, IV  
1738 Three Oaks Avenue  
Charleston SC 29407  
*Attorney for Appellant*

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2018-001090  
Trial Court Case No. 2017-CP-10-3324

**RECEIVED**

DEC 27 2018

SC Court of Appeals

Rosa Maritza Galban Aranda,..... Respondent,

vs.

Rigoberto Ortega,..... Appellant.


---

PROOF OF SERVICE

---

I certify I have served *Respondent's Motion to Compel Appellant to File Amended Record on Appeal* on Rigoberto Ortega by depositing a copy of it in the United States Mail, postage prepaid, on December 24, 2018, addressed to his attorney of record: Thomas O. Sanders, IV, Sanders Law Firm, 1738 Three Oaks Avenue, Charleston, South Carolina 29407.

DRIGGERS LAW FIRM



108 Central Avenue, Suite 7  
Goose Creek SC 29445  
(843) 572-8222

ATTORNEY FOR RESPONDENT

December 21, 2018  
Goose Creek, South Carolina

JOHNNY F. DRIGGERS

TRIAL ATTORNEY  
108 CENTRAL AVENUE, SUITE 7  
P.O. BOX 757

GOOSE CREEK, SOUTH CAROLINA 29445

December 21, 2018

E-MAIL ADDRESS JAYESQUIRE@AOL.COM

TELEPHONE (843) 572-8222,  
FAX (843) 797-2114

Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
P. O. Box 11629  
Columbia SC 29211

Re: **Rosa Maritza Galban Aranda, Respondent, v.  
Rigoberto Ortega, Appellant**  
Appellate Case No. 2018-001090

**RECEIVED**  
DEC 27 2018  
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find my *Motion to Compel Appellant to File Amended Record on Appeal* with *Proof of Service* with regard to the captioned matter. Please file the originals and return a clocked copy to me in the envelope provided. Also enclosed is our check in the amount of \$50.00 for the filing fee.

By copy of this letter to Mr. Sanders, we are serving him with a copy of the enclosures.

Your cooperation and assistance are very much appreciated. Should you have questions or need additional information, please feel free to let us know.

With kindest regards, I am

Very truly yours,

*Johnny F. Driggers/ddc*

JOHNNY F. DRIGGERS

JFD/ddc

Enclosures

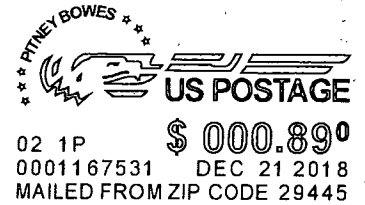
cc: Thomas O. Sanders, IV, Esquire (w/enclosure)

Don Gibson, Esquire (w/enclosure)

Rosa Galban (w/enclosure)

JOHNNY F. DRIGGERS  
TRIAL ATTORNEY  
108 CENTRAL AVENUE, SUITE 7  
P.O. Box 757  
GOOSE CREEK, SOUTH CAROLINA 29445

FIRST-CLASS



RECEIVED

DEC 27 2018

SC Court of Appeals



Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
P. O. Box 11629  
Columbia SC 29211

2921131629 8012

