

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case No. 2018-001090

Rosa Maritza Galban Aranda, Respondent,

v.

Rigoberto Ortega, Appellant.

**RECEIVED**

DEC 28 2018

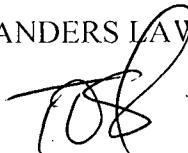
SC Court of Appeals

APPELLANT'S RETURN TO MOTION TO COMPEL

Pursuant to Rule 240(e), SCACR, Appellant Rigoberto Ortega ("Appellant") files this Return to Respondent Rosa Maritza Galban Aranda's ("Respondent") December 21, 2018 *Motion to Compel Appellant to file Amended Record on Appeal*.

The Record on Appeal ("Record") shall not include matter which was not presented to the lower court or tribunal. Rule 210(c), SCACR. The Record contains a March 19, 2018 *Affidavit*. (R. p. 64). Although Respondent seeks to have a March 21, 2018 *Affidavit* included in the Record, it was not filed with the court until December 7, 2018 (see Exhibit "1"), well after the March 21, 2018 hearing which precipitated this appeal, nor was it presented at the March 21, 2018 hearing, nor is it mentioned in the lower court's April 27, 2018 Final Order which is the subject of this appeal. As such, the March 21, 2018 *Affidavit* should not be included in the Record.

SANDERS LAW FIRM, LLC



Thomas O. Sanders, IV  
SC Bar #: 064887

1738 Three Oaks Avenue  
Charleston, South Carolina 29407  
(843) 573-8828  
ATTORNEY FOR APPELLANT

Dec. 24, 2018  
Charleston, South Carolina

Other Counsel of Record:

Johnny F. Driggers, Esquire  
PO Box 757  
Goose Creek, SC 29445  
*Attorney for Respondent*

EXHIBIT "1"

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
CASE NUMBER 2017-CP-10-3324

ROSA MARITZA GALBAN )  
ARANDA, )

Plaintiff, )

-vs- )

RIGOBERTO ORTEGA, )

Defendants. )

AFFIDAVIT

FILED  
2018 DEC - 7 PM 2:57  
CLERK OF COURT

**PERSONALLY APPEARED** before me the undersigned, who  
being duly sworn, deposes and says:

1. My name is Debra Curwen, and I am employed with Driggers Law Firm as a legal assistant.
2. I have reviewed the Affidavit of Defendant Rigoberto Ortega. To the best of my recollection, my conversation with him was after the first lawsuit. However, he came into the office again after being served with the second lawsuit.
3. Mr. Ortega had no problem relaying to me he wanted to speak with Mr. Driggers. When I told him Mr. Driggers could not speak with him, I suggested he contact an attorney. He clearly appeared to understand my statement to him.

Further affiant saith not.

Debra Curwen  
Debra Curwen

SWORN to before me this

21 day of March, 2018.

Kathy Coker Row

Notary Public for South Carolina

My Commission expires 9-22-2026

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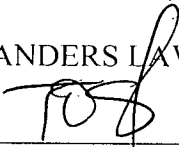
Appellant.

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PROOF OF SERVICE

I certify that I have served the *Appellant's Return to Motion to Compel* on Rosa Maritza Galban Aranda by depositing a copy of it in the United States Mail, postage prepaid, on December 24, 2018, addressed to its attorney of record, Johnny F. Driggers, Esquire (PO Box 757, Goose Creek, SC 29445).

SANDERS LAW FIRM, LLC

  
Thomas O. Sanders, IV  
SC Bar #: 064887  
1738 Three Oaks Avenue  
Charleston, South Carolina 29407  
(843) 573-8828  
ATTORNEY FOR APPELLANT

Dec. 24, 2018  
Charleston, South Carolina

**SANDERS LAW FIRM, LLC**

1738 THREE OAKS AVENUE  
CHARLESTON, SOUTH CAROLINA 29407  
WWW.SANDERSLAWFIRM.COM

THOMAS O. SANDERS, IV, ATTORNEY AT LAW  
Certified Mediator by S.C. Supreme Court

Tel. (843) 573-8828  
Fax. (843) 573-9288  
E-mail [tosanders@sanderslawfirm.com](mailto:tosanders@sanderslawfirm.com)

December 24, 2018

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

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**RE: Aranda v. Ortega, 2018-001090**

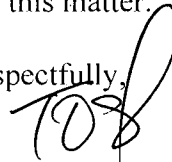
Dear Ms. Kitchings:

Enclosed please find the following: 1) *Appellant's Return to Motion to Compel* (original + 7 copies); and 2) *Proof of Service* (original + 1 copy). Please file the originals and return to me a clocked copy of each in the self-addressed, stamped envelope provided.

By copy of this letter with enclosures to opposing counsel, I am serving him with the foregoing.

Thank you in advance for your help with this matter.

Respectfully,



Thomas O. Sanders, IV

TOS/jm

cc: Mr. Rigoberto Ortega ✓  
Johnny F. Driggers, Esquire ✓

**SANDERS LAW FIRM, LLC**

1738 THREE OAKS AVENUE  
CHARLESTON, SOUTH CAROLINA 29407

ADDRESS SERVICE REQUESTED

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