THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
THE HONORABLE L. CASEY MANNING
Circuit Court Judge
Fifth Judicial Circuit

CASE NO: 2018-CP-400-5641

RONALD I. PAUL.....Appellant,

V.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION; PAUL D. DE HOLCZER, individually and as a partner of the law Firm of Moses, Koon & Brackett, PC; MICHAEL H. QUINN, individually and as senior lawyer of Quinn Law Firm, LLC; J. CHARLES ORMOND, JR., individually and as a partner of the Law Firm of Holler, Dennis, Corbett, Ormond, Plant & Garner; OSCAR K. RUCKER, in his individual capacity as, Director Rights of Way South Carolina Department of Transportation; MACIE M. GRESHAM, in her individual capacity as Eastern Region Right of Way Program Manager South Carolina Department of Transportation; NATALIE J. MOORE, in her individual capacity as assistant chief counsel South Carolina Department of Transportation..... Respondents.

APPELLANT REPLY TO RESPONDENT'S RETURN TO MOTION TO EXCLUDE DOCUMENTS DESIGNATED IN RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

The Supreme Court considered a very similar issue to the matter before this Court in connection with a Motion to Strike in Cobb v. Benjamin, 325 S.C. 573, 482 S.E.2d 589 (Ct App. 1997). In Cobb, Appellant-Respondent filed

a Motion to Strike dated June 29, 1995, seeking to strike as document identified in the Respondent-Appellant's Designation of Matter to be Included in the Record. See Motion to Strike, Memorandum in Support and Reply to Return, attached as Exhibit A. Specifically, Appellant-Respondent sought to exclude a copy of an insurance policy which had been listed in Respondent-Appellant's designation. In that case, at the trial court level, the court heard arguments from both parties, and Appellant-Respondent submitted exhibits that were made a part of the record. The insurance policy was not offered into the record, though Auto-Owners Insurance, one of the Respondent-Appellants, made reference to the insurance policy during arguments to the Court. Although the lower court granted Auto Owners' request that the record be held open so it could submit a copy of the insurance policy to the Court, Auto Owners did not submit a copy of the insurance policy to the lower court prior to the Court's issuance of its Order. After the Court issued its Order, Auto Owners filed and served a Motion to Alter or Amend, while Cobb filed and served a Motion for New Trial. The Court denied the Post-Trial Motions of both parties. Both parties perfected appeals in the matter. Three days prior to the date initial briefs were to be filed, the Clerk of Court for Anderson County, the county where the matter had been heard, received a copy of the insurance policy. Auto Owners Designated the policy as a matter to be included in the Record on Appeal.

Cobb filed a Motion to Strike the Matter from the Record. The Supreme Court issued its Order granting Cobb's Motion to Strike on August 25, 1995. See Order filed August 25, 1995, attached as Exhibit B. At the time the Court issued its Order, Rule 209(c), SCACR, stated that the record shall not include matter which was not presented to the lower court tribunal. Rule 210(c), SCACR, currently states as follows: "The Record shall not, however, include matter which was not presented to the lower court or tribunal."

In both cases, a party sought to include in the Record on Appeal a document which was not before the lower Court when it made its decision. The Respondent-Appellant in Cobb made a similar argument in connection with the Motion - as the argument made by Respondents Rucker and Gresham in their individual capacities in the present case. In Cobb, Respondent-Appellant referenced the insurance policy in arguments before the Court, and even asked for time to include the document as part of the Record. He contended that the policy was cited by the parties at the hearing and that no party indicated any disagreement with its representation of the language of the policy. See Return to Motion to Strike, attached as Exhibit C. Similarly, in the present case, Respondents Rucker and Gresham in their individual capacities only mentioned the motions to dismiss filed by other Respondents Michael H. Quinn, Paul D. de Holczer, SCDOT and Natalie J. Moore they seek to include in the Record on Appeal. In both cases, however,

the party sought to introduce a document into the Record of Appeal that was never made a part of the record below.

These Motions and Judge Jocelyn Newman appealed order are not relevant to the appeal, were not before Judge Manning in the lower court and cannot be a part of the Record on Appeal, in this appeal #2019-001224, because of Respondents Rucker and Gresham default status in their individual capacities, in other words they are barred from filing Motions to Dismiss.

Rule 55 (e), SCRCP

Respondents Rucker and Gresham in their individual capacities, in default. Explained the reasons for designating Motions to Dismiss filed by other Respondents Michael H. Quinn, Paul D. de Holczer, SCDOT and Natalie J. Moore make no legal sense. In other words, the Motions are not the subject of any issue on appeal and are not helpful to understanding any issue on appeal, have nothing to do with any issue on appeal and are prejudicial.

Conclusion

Documents that are not relevant to the appeal and documents that were not before Judge Manning in the lower court cannot be a part of the Record on Appeal and should be struck from the Designation of Matter to Be Included in the Record. Based on these reasons, Appellant respectfully asks

for an Order excluding the documents described in items number 3, 9, 10 and 11 from the Record on Appeal in Respondents Designation.

Respectfully submitted,

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Appellant, *Pro Se* litigant
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Columbia, South Carolina

December 30, 2019

Exhibit A

THE STATE OF SOUTH CAROLINA
In The Supreme Court

95-ct-1037

APPEAL FROM ANDERSON COUNTY
Master-in-Equity

Ellis B. Drew, Jr., Master-in-Equity

CASE NO: 93-CP-04-890

JANICE LEE COBB,

Appellant-Respondent,

vs.

EDITH W. BENJAMIN, NATIONWIDE MUTUAL INSURANCE COMPANY AND AUTO OWNERS INSURANCE COMPANY,

Respondents-Appellant.

MOTION TO STRIKE

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Phillip E. Reeves
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The Appellant-Respondent, Janice Lee Cobb (Cobb), moves to strike that document identified on the Respondent-Appellant, Auto Owners Insurance Company (Auto Owners), Designation of Matter to be Included in Record on Appeal, number 7 (Certified Copy of Auto Owners Insurance Company Policy issued to Janice Lee Cobb). The reason for this Motion is more fully set forth in Cobb's Memorandum which is attached.

Cobb would also move that the time limits in the Brief schedule be held in abeyance until the Court rules on Cobb's Motion which will directly affect the case which is presently before the Court.

J. David Standeffer

J. David Standeffer
STANDEFFER & BRISLANE
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(803) 964-0333
Attorney for Appellant-Respondent

Anderson, SC

June 29, 1995

Motion granted

AJ

For the Court

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ANDERSON COUNTY
Master-in-Equity

Ellis B. Drew, Jr., Master-in-Equity

CASE NO: 93-CP-04-890

JANICE LEE COBB,

Appellant-Respondent,

vs.

EDITH W. BENJAMIN, NATIONWIDE MUTUAL INSURANCE COMPANY AND AUTO OWNERS INSURANCE COMPANY,

Respondents-Appellant.

APPELLANT-RESPONDENT'S MEMORANDUM IN SUPPORT OF MOTION TO STRIKE DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

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I. **IS IT IMPROPER FOR AUTO OWNERS TO ATTEMPT TO INCLUDE IN THE RECORD ON APPEAL THE DOCUMENT WHICH WAS NOT ENTERED AS AN EXHIBIT DURING THE TRIAL OF THE CASE AND WAS NOT MADE PART OF THE FILE PRIOR TO THE LOWER COURT'S ORDER FROM WHICH THIS CASE IS BEING APPEALED, NOR WAS IT PART OF THE FILE DURING THE POST-TRIAL MOTIONS, NOR WAS IT PART OF THE FILE WHEN THE APPEAL TO THE SUPREME COURT WAS PERFECTED BECAUSE IT WAS ONLY CLOCKED-IN WITH THE CLERK OF COURT OF ANDERSON COUNTY A WEEK BEFORE THE INITIAL BRIEFS WERE TO BE FILED IN THE SOUTH CAROLINA SUPREME COURT?**

STATEMENT OF THE CASE

This is an appeal from a declaratory judgment action which construed a settlement agreement and partial release. This matter was heard before the Honorable Ellis B. Drew, Jr., Master-in-Equity on July 28, 1994. Arguments were heard from Janice Lee Cobb (Cobb), Nationwide Insurance Company (Nationwide) and Auto Owners Insurance Company (Auto Owners). Cobb submitted exhibits which were made part of the record, Nationwide submitted no exhibits, Auto Owners made reference to an insurance policy and a declaration page, but offered neither into the record at the hearing. (Tr. p.1, 1.11-14), Auto Owners did ask that the record be held open to submit a copy of the insurance policy.

> Mr. Reeves: I would like, with the Court's indulgence and with no objection, that the record be held open long enough for me to submit a certified copy of the policy.
>
> The Court: Yes. You requested to do that and I'll allow you to do that. You might send it along with your proposed Order. Does Mr. Standeffer have a copy of your policy?
>
> Tr. p.33, l. 22-25; p. 34 l. 1-5.

Cobb, Nationwide and Auto Owners did submit the proposed Orders and Citation to Authority (Tr. p.32, 1.6-17). However, Auto Owners did not submit a copy of the insurance policy to the Court

(Tr. p.2, l. 10-14; Affidavit of Mildred Martin). After the July 28, 1994, hearing, Judge Drew issued his Order on August 23, 1994. In his Order, Judge Drew further ordered that Cobb was precluded from pursuing liability coverage from Nationwide. Judge Drew further determined that Cobb was entitled to pursue UIM benefits from Auto Owners. During the trial, Auto Owners had argued, in part, that its insurance contract excluded Cobb from accessing the UIM coverage.

On September 2, 1994, Auto Owners filed and served its Motion to Alter or Amend the August 23, 1994, judgment and Cobb filed its Motion for a New Trial. By his Order dated February 28, 1995, Judge Drew denied the Motion of both Auto Owners and Cobb (Order of February 28, 1995). Thereafter, both Cobb and Auto Owners perfected their appeals to the South Carolina Supreme Court. Cobb's Notice of Appeal was served on Auto Owners on or about March 20, 1995. On March 28, 1995, Auto Owners filed and served its Notice of Appeal. The initial briefs of Cobb and Nationwide were to be filed on June 23, 1995. On June 19, 1995, the Clerk of Court for Anderson County received an automobile insurance policy underwritten by Auto Owners. Auto Owners has designated this insurance policy as matter to be included in the record on appeal.

ARGUMENT

Where the insurance policy is not timely submitted and made part of the record prior to the Court's Order, it cannot now be offered into evidence four (4) days before the initial briefs are due and where the appeal to the Supreme Court has been perfected.

Rule 209(C), S.C.A.C.R. controls content of the record on appeal. It specifically states "the record shall not however include matter which was not presented to the lower Court tribunal." id. The insurance policy was never presented to the lower Court prior to Judge Drew making his ruling from which this appeal is being made. Auto Owners seeks to have the appellant Court to rule on a document not before the Court when the Court made its decision. This document was not presented to the Court and clocked-in any earlier than June 19, 1995, nearly ten (10) months after the judge made his ruling.

Auto Owners asked that the record be kept open "long enough" to submit the document it asserts is the basis for the argument it makes to the Court. (Tr. p.27 lines 6-18; p.33, line 25.) Certainly, the appropriate time to submit a document for the Court's consideration should be prior to the Court issuing its order. The record was held open arguably from the date of the hearing, July 28, 1994, until August 23, 1994, the date of the Court's order. This was long enough for Auto Owners to have submitted the insurance policy for the Court to consider prior to the Court reaching a decision had Auto Owners thought the policy worthy of the Court's notice. It did not do this.

At some time the record must close. Arguably the record closes by the time the judge rules on those matters before the Court. Certainly, the record should be closed by the time the appeals to the Supreme Court are perfected. To allow Auto Owners to include this document, which was never before the Court prior to the Court's ruling and submitted after the Court has ruled and after the appeals have been perfected, is improper. Its analogy may be found where an objection is raised for the first time on

appeal. The Court does not consider matters on appeal that were not properly presented before the lower Court. See, eg, Green v. City of Columbia, ___ NSC ___, 427 S.E.2d 685 (Ct.App. 1993). In the same manner, Auto Owners never presented the document before the lower Court and the Court ruled against Auto Owners. Now Auto Owners seeks to introduce the same document for the first time on appeal. This is improper. id.

CONCLUSION

Auto Owners' attempt to include on appeal the document not before the lower Court is improper and should be struck from the designation of matter to be included in the record on appeal.

STANDEFFER & BRISLANE

J. David Standeffer

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Anderson, South Carolina

June 29, 1995

THE STATE OF SOUTH CAROLINA
In The Supreme Court

95-CI-1037

APPEAL FROM ANDERSON COUNTY
Master-in-Equity

Ellis B. Drew, Jr., Master-in-Equity

CASE NO: 93-CP-04-890

JANICE LEE COBB,

Appellant,

vs.

EDITH W. BENJAMIN, NATIONWIDE MUTUAL INSURANCE COMPANY AND AUTO OWNERS INSURANCE COMPANY,

Respondents.

APPELLANT/RESPONDENT, JANICE COBB'S, REPLY TO APPELLANT/RESPONDENT, AUTO-OWNERS INSURANCE COMPANY'S, RETURN

July 13, 1995

STANDEFFER & BRISLANE

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ARGUMENT

THE FAILURE TO INTRODUCE THE DOCUMENT INTO THE RECORD PRIOR TO THE LOWER COURT'S RULING PROHIBITS AUTO OWNERS FROM NOW ATTEMPTING TO HAVE THE APPELLATE COURT CONSIDER OR RULE ON A DOCUMENT NOT BEFORE THE LOWER COURT.

There was no objection to Auto Owners entering either the insurance policy or the declaration page or any other document they believed was relevant for the Court's consideration prior to the Court's Order. However, neither the declaration page nor the insurance policy were admitted. Auto Owners may have argued what the policy would or should state, but that was for His Honor to determine. Where Auto Owners did not submit the policy,nor was it before the Court and was not part of the record.

The Court in Hofer vs. St. Claire held,

> This Court will take notice that something within the record was clearly not introduced into evidence below. To hold otherwise would encourage litigants to attempt to supplement the record with evidence they failed to introduce below. It would be utterly inappropriate for an Appellate Court to reverse a trial Court's decision or reliance on evidence never submitted to the trial Court for its consideration.

Hofer vs. St. Claire, 298 S.C. 503, 513 381 S.E.2d 736, 742 (1989)

In like manner, Auto Owners cannot now attempt to include in the record that which was never made part of the record prior to the Court's ruling.

CONCLUSION

A document that was not properly before the lower court cannot now be inserted into the Record on Appeal and should be struck from

the Designation of Matter and included in the Record on Appeal.

J. David Standeffer

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Anderson, SC

July 14, 1995

Exhibit B

EXHIBIT A

The Supreme Court of South Carolina

CLYDE N. DAVIS, JR.
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. Box 11330
COLUMBIA, S.C. 29211
(803) 734-1080

August 25, 1995

J. David Standeffer, Esquire
PO Box 35
Anderson, SC 29622

Re: Janice Lee Cobb v. Edith W. Banjamin, et al.

Dear Mr. Standeffer:

The following Order has been endorsed on your Motion to Strike in the above entitled case on appeal.

"Motion granted.

by s/E. C Burnett, III., A.J.

August 25, 1995 ."

By copy of this letter, all interested parties are advised that Respondent's Initial Briefs and Designations of Matter must be served within thirty days of the date of this letter.

Very truly yours,

CLERK

CND,Jr./mcw

Copy to: Cary C. Doyle, Esquire
Phillip E. Reeves, Esquire

Exhibit C

95-CJ-1037

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Ellis B. Drew, Jr., Master in Equity

Case No. 93-CP-04-890

Janice Lee Cobb, ...Appellant/Respondent.

v.

Edith W. Benjamin, Nationwide
Mutual Insurance Company and
Auto-Owners Insurance Company, ... Defendants.

Of Whom

Auto-Owners Insurance Company is .....Appellant/Respondent.

APPELLANT AUTO-OWNERS INSURANCE COMPANY'S RETURN TO APPELLANT JANICE LEE COBB'S MOTION TO STRIKE

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803-271-9580
Attorneys for Appellant/Respondent,
Auto-Owners Insurance Company

ARGUMENT

THE COURT SHOULD NOT STRIKE THE AUTO-OWNERS INSURANCE COMPANY INSURANCE POLICY FROM THE RECORD ON APPEAL BECAUSE IT WAS PRESENTED IN THE LOWER COURT AND, THEREFORE, MAY BE INCLUDED IN THE RECORD ON APPEAL.

Rule 209(c) of the South Carolina Appellate Court Rules governs the content of the Record on Appeal. The rule provides, in pertinent part, that "[t]he Record shall not, however, include matter which was not presented to the lower court or tribunal." Rule 209(c), SCACR. Appellant Janice Lee Cobb (hereinafter"Cobb") contends that the Auto-Owners Insurance Company insurance policy designated by appellant Auto-Owners Insurance Company (hereinafter "Auto-Owners") for inclusion in the Record on Appeal should be stricken by the court because Auto-Owners did not file the policy with the lower court until June 19, 1995. Auto-Owners asserts that the insurance policy was, in fact, presented to the lower court and, therefore, is properly designated as a matter to be included in the Record on Appeal.

This appeal arises out of the lower court's ruling in a declaratory judgment action filed by Cobb asking the court to construe the effect of a settlement agreement and partial release executed by her as a result of an automobile accident, as well as to construe the relevant insurance policies, including the Auto-Owners' policy issued to her, in order to determine "the applicable coverage" (Complaint p. 3). This matter was referred to the Honorable Ellis B. Drew, Master-In-Equity, for entry of final judgment with the right of appeal to the South Carolina Supreme Court.

A hearing was held before Judge Drew on July 28, 1994. At the hearing, counsel for Auto-Owners, in making his argument that Cobb should not be entitled to recover underinsured motorist benefits (hereinafter "UIM benefits") from Auto-Owners, specifically referred to an endorsement in the Auto-Owners policy that addresses underinsured motorist benefits. In doing so, counsel stated as follows:

> MR. REEVES: . . . I would like to point out for the court, and I would like the opportunity - - it struck me this morning that I do not have for you a certified copy of the Auto-Owners policy. I would like the opportunity to provide that to the court to have it in the record, and I'll be glad to provide it to counsel for Nationwide and Ms. Cobb.
>
> But I do have the endorsement that deals with underinsured motorist benefits, and it says we will pay no more that the lesser of, number one, the limits of liability shown in the declarations; number two, that part of such damages which exceeds payments under all bonds or policies. In other words, we don't pay underinsured motorist coverage until all liability coverage has been extinguished.

(Tr. 27, l. 4-18).

Auto-Owners' request that the policy be made part of the record was not objected to by counsel for Cobb or counsel for Nationwide (Tr. 27-29). Further, when the subject of the Auto-Owners insurance policy was brought up again later in the hearing, the following colloquy took place between counsel for Auto-Owners, the court and counsel for Cobb evidencing a general agreement that the policy would become part of the record below:

> MR.REEVES: I would like, with the court's indulgence and with no objection, that the

> record be held open long enough for me to submit a certified copy of the policy.
>
> THE COURT: Yes. You've requested to do that, and I'll allow you to do that. You might send it along with your proposed order. Does Mr. Standeffer have a copy of your policy?
>
> MR. REEVES: I'm sure he does. It's his client's policy, but if he doesn't I'll certainly provide him one.
>
> MR. STANDEFFER: I'm sure I have that, your honor.

(Tr. 33. l. 23-25; Tr. 34. l. 1-10).

It is evident that it was Auto-Owners' intention to make the policy part of the record and that all of the parties involved in the declaratory judgment action were aware of its intent to do so. Further, it is evident that Auto-Owners' position in the declaratory judgment action was based, in part, on the specific language contained in the UIM benefits endorsement to the policy. This is borne out by the fact that, consistent with its argument at the hearing, the proposed order submitted by Auto-Owners to the court also contained a discussion of Auto-Owners' interpretation of the policy language pertaining to UIM benefits. Counsel for Cobb and Nationwide received copies of Auto-Owners' proposed order and, therefore, were aware that this position continued to be asserted by Auto-Owners.

Thereafter, on August 23, 1994, the court issued its order holding, among other things, that Cobb was entitled to UIM benefits from Auto-Owners. The order did not discuss the effect of the Auto-Owners policy language pertaining to UIM benefits (Order of August 23, 1994). As such, on September 2, 1994, Auto-Owners

filed and served a motion to alter or amend the judgment of the court citing therein, in addition to other deficiencies, the court's failure to address the language contained in the Auto-Owners insurance policy (Motion to Alter or Amend Judgment p. 2). By order dated February 28, 1995, the court denied Auto-Owners' motion (Order of February 28, 1995).

Although an actual certified copy of the Auto-Owners policy was not physically filed with the court until June 19, 1995, this is not fatal to its inclusion in the Record on Appeal for several reasons. First, the policy endorsement was cited at the hearing and all parties clearly enunciated their positions with respect to that language. No one present at the hearing indicated any disagreement whatsoever with Auto-Owners' representation as to the language contained in the underinsured motorist endorsement (Tr. 27-29). Second, at the time of the hearing no one objected to Auto-Owners' request to submit a certified copy of the insurance policy sometime after the date of the hearing (Tr. 27-28; Tr. 33-34). Third, counsel for Cobb admitted at the hearing that he, in fact, had a copy of the Auto-Owners insurance policy that was issued to his client, Cobb (Tr. 34, l. 9-10).

Finally, there is no question that it was the understanding of all parties involved in the hearing that construction of the Auto-Owners insurance policy was a primary issue to be resolved in determining Cobb's ability to recover UIM benefits from Auto-Owners. The policy is referred to in Cobb's complaint instituting this action and in Auto-Owners' answer and

counterclaim to the complaint (Complaint; Answer and Counterclaim). Further, Auto-Owners expressly stated its position on the construction of the policy language at the hearing, in its proposed order and in its motion to alter or amend the judgment. Thus, Cobb was in no way prejudiced when a certified copy of the insurance policy was not officially filed until June 19, 1995, and included in the designation of matter to be included in the record on appeal.

Auto-Owners thus asserts that the court should consider the Auto-Owners policy on appeal because it was, in effect, presented to the lower court and made part of the record when it was referred to in the pleadings, referred to and in fact recited at the hearing without objection and referred to in the proposed order submitted to Judge Drew and all parties thereafter. The fact that a certified copy of the policy was not filed with the court until June 19, 1995 should not preclude Auto-Owners' use of the policy on appeal as the parties involved in this matter were aware of the content of the policy and Auto-Owners' position in relation thereto.

Therefore, while Auto-Owners agrees with Cobb that, as a general rule, the court does not consider matters on appeal which were not properly presented before the lower court, in this instance, contrary to the argument presented to the court by Cobb, this is not the case here. Auto-Owners is not attempting to introduce a matter not previously brought before the court or contemplated by the parties at an earlier stage in this litigation;

rather, it is simply seeking to submit a certified copy of the policy previously identified and utilized in this case. To refuse to do so would greatly prejudice this court's ability to interpret the policy and the rights of the parties in this case. Such a result is clearly improper and should not be allowed.

CONCLUSION

Based on the foregoing, Auto-Owners contends that the Auto-Owners insurance policy designated by it for inclusion in the Record on Appeal was properly presented in the lower court and, therefore, should not be stricken from its Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,

July 10, 1995

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
THE HONORABLE L. CASEY MANNING
Circuit Court Judge
Fifth Judicial Circuit

CASE NO: 2018-CP-400-5641

RONALD I. PAUL.....Appellant,

V.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION; PAUL D. DE HOLCZER, individually and as a partner of the law Firm of Moses, Koon & Brackett, PC; MICHAEL H. QUINN, individually and as senior lawyer of Quinn Law Firm, LLC; J. CHARLES ORMOND, JR., individually and as a partner of the Law Firm of Holler, Dennis, Corbett, Ormond, Plant & Garner; OSCAR K. RUCKER, in his individual capacity as, Director Rights of Way South Carolina Department of Transportation; MACIE M. GRESHAM, in her individual capacity as Eastern Region Right of Way Program Manager South Carolina Department of Transportation; NATALIE J. MOORE, in her individual capacity as assistant chief counsel South Carolina Department of Transportation..... Respondents.

PROOF OF SERVICE

I, Ronald I. Paul hereby certify that I have served the Respondents a copy of **Appellant Reply to Respondent's Return to Motion to exclude documents designated in Respondent's designation of matter to be included in the record on appeal** on all Respondents South Carolina Department of Transportation; Paul D. de Holczer individually, and as a partner of the law Firm of Moses, Koon & Brackett, P.C; Michael H. Quinn,

individually and as senior lawyer of Quinn Law Firm, LLC; J. Charles Ormond, Jr., individually and as a partner of the Law Firm of Holler, Dennis, Corbett, Ormond, Plant& Garner; Oscar K. Rucker, in his individual capacity as, Director Rights of Way South Carolina Department of Transportation; Macie M. Gresham, in her individual capacity as Eastern Region Right of Way Program Manager South Carolina Department of Transportation; Natalie J. Moore, in her individual capacity as assistant chief counsel South Carolina Department of Transportation by depositing a copy of it in the United State Mail, postage prepaid, on this date, December 30, 2019, addressed to the attorney of record or *Pro Se* Litigants and others as listed below.

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Appellant, *Pro Se* Litigant

Columbia, South Carolina
December 30, 2019

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