

92516

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry Gravely, Circuit Court Judge
Case No.: 2016-CP-23-06314

RECEIVED

MAR 25 2020

Appellate Case No. 2019-000190

SC Court of Appeals

Ascension Forensic, LLC,

Respondent,

v.

Patricia B. Clark,

Appellant.

MOTION TO SUPPLEMENT RECORD

K. Jay Anthony
650 E. Washington Street
Greenville, South Carolina 29601
864.301.8141 p
864.203.8877 f
janthony@anthonylawsc.com

Attorney for Respondent

Respondent respectfully seeks the permission of the Court to supplement the record, pursuant to Rule 212(b), SCACR. Respondent has sought the consent of Appellant, who has refused consent.

This matter centers on Appellant's claim that she was not properly served with notice of the underlying judgment. As set forth in Respondent's brief to this Court, Appellant resides at 519 Cliffview Court in Greer, South Carolina. On November 10, 2016, Appellant's boyfriend, Michael Thorstad, was served at the residence. According to the affidavit of the process server, Mr. Thorstad was at the residence, identified himself as Appellant's boyfriend, and affirmed that he resided with her at that address. (R. p. 71). However, at the hearing on Appellant's motion to vacate the underlying judgment for want of process – held on November 27, 2018 – Appellant filed an affidavit claiming that service was ineffective “because no person named Michael was residing with her at her address at the time of service on November 10, 2016.” (R. p. 21, lines 5-12). Appellant's counsel then called Mr. Thorstad to testify. Mr. Thorstad testified as follows:

Q. Mr. Thorstad, tell us your full name and your current address for the record, please.

A. Michael Thorstad, 205 Mason Road, Boiling Springs, South Carolina 29316.

Q. And how long have you lived at 205 Mason Road in Boiling Springs, South Carolina?

A. I bought it in 2005.

Q. Okay. *Have you resided there since 2005?*

A. *Yes.*

Q. *Have you ever resided at 519 Cliffview Court?*

A. *No.*

...

Q. *You said you never lived at the residence, right?*

A. *Right. I never lived there.*

(R. p. 43, lines 16-25; p. 44, line 1.; p. 13, lines 2-3) (emphasis added).

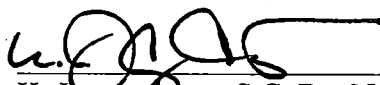
As noted in Respondent's brief and in the Order of Judge Perry Gravely, the relief sought by Appellant centers on the credibility of Appellant and Mr. Thorstad. In his order, the Court specifically cited as a basis for the ruling that he found Mr. Thorstad not credible. (R. p. 9).

Since the hearing, Respondent has become aware that, in June of 2017, Mr. Thorstad listed his address as 519 Cliffview Court. Mr. Thorstad gave this information when he was charged with speeding, a charge to which he pled guilty in East Greenville Summary Court. The address is contained in the South Carolina Judicial Department Public Index. Screenshots of the listing are attached to this motion.

As noted above, Mr. Thorstad repeatedly testified, during the hearing in November of 2018, that he had *never* lived at 519 Cliffview. Consequently, the fact that he listed the residence as his address with regard to his speeding charge further impeaches his credibility in this matter. Respondent therefore respectfully seeks to supplement the record with this information.

Respectfully Submitted,

ANTHONY LAW, LLC



K. Jay Anthony, S.C. Bar No.: 77433

650 E. Washington Street

Greenville, S.C. 29601

(864) 301-8141 Phone

(864) 203-8877 Facsimile

janthony@anthonylawsc.com

ATTORNEY FOR RESPONDENT

March 20, 2020
Greenville, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

RECEIVED

MAR 25 2020

SC Court of Appeals

The Honorable Perry Gravely, Circuit Court Judge
Case No.: 2016-CP-23-06314

Appellate Case No. 2019-000190

Ascension Forensic, LLC,

Respondent,

v:

Patricia B. Clark,

Appellant.

PROOF OF SERVICE

I, Kenneth Jay Anthony, counsel for Respondent, certify that I have served the Motion to Supplement the Record on counsel for Appellant, by depositing a copy of same in the United States mail, postage prepaid, addressed as follows:

M. Lee Daniels, Jr.
M. LEE DANIELS, JR., P.C.
1200 Woodruff Road, Suite A-3
Greenville, SC 29607

South Carolina Court of Appeals
V. Claire Allen, Deputy Clerk
1220 Senate Street
Columbia, SC 29201

This 23rd day of March 2020.



K. Jay Anthony
650 E. Washington Street
Greenville, South Carolina 29601
864.301.8141 p
864.203.8877 f
janthony@anthonylawsc.com

Attorneys for Respondent



650 E. Washington Street, Greenville, SC 29601 | P: 864-301-8141 | F: 864-203-8877
janthony@anthonylawsc.com | anthonylawsc.com

March 20, 2020

South Carolina Court of Appeals
V. Claire Allen, Deputy Clerk
1220 Senate Street
Columbia, SC 29201

RECEIVED
MAR 25 2020
SC Court of Appeals

RE: *Ascension Forensic, LLC vs. Patricia Clark*
Case No.: 2016-CP-23-06314; Appellate Case No. 2019-000190

Dear Ms. Allen:

Enclosed please find the original and six (6) copies of Respondent's Motion to Supplement Record in the above-referenced matter, along with our check for \$50 to cover the filing fee, and Proof of Service of Same.

Thank you for your assistance.

With Best Regards,

A handwritten signature in black ink, appearing to read 'K. Jay Anthony'.

K. Jay Anthony

KJA:jw
Enclosure
cc: M. Lee Daniels, Esq. w/ enclosures



A ANTHONY
LAW
650 E Washington Street
Greenville, SC 29601

South Carolina Court of Appeals
V. Claire Allen, Deputy Clerk
1220 Senate Street
Columbia, SC 29201

RECEIVED
MAR 25 2020
SC Court of Appeals

