

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master In Equity

Appellant Case No. 2018-001209

RECEIVED

May 07 2020

SC Court of Appeals

Raymond A. Wedlake, individually and derivatively, on behalf
of all Members of Woodington Homeowners' Association, Inc.,.....Appellants,

v.

Benjamin Acord, William CRAIGO, Denis Esteve, and Brian James
in their capacity as the current Board of Directors of the Woodington
Homeowners' Association, Inc.,..... Respondents.

APPELLANTS' MOTION TO RELY ON
RECORD ON APPEAL FILED ON APRIL 15, 2019

The Appellants, Raymond A. Wedlake, individually and derivatively, on behalf of all
Members of Woodington Homeowners' Association, Inc., respectfully submits this Motion to
Rely on the Record on Appeal filed on April 15, 2019.

Appellants' counsel was made aware that a notification letter from the Court, dated May
1, 2020, was posted online to the South Carolina Appellate Case Management System, indicating
that their time to file the Record on Appeal has expired. The letter required that within ten (10)
days, the Appellants file a motion to serve the Record on Appeal outside of the filing deadlines.
Counsel for the Appellants have yet to receive a copy of this notification letter by U.S. mail, but
intend to make this timely response. In response, Appellants respectfully ask the Court to

acknowledge the Record on Appeal that is already relied upon and filed in this case on April 15, 2019, and that no additional Record on Appeal be required, as the materials would be completely duplicative to what the court has already accepted and filed.

By order of this Court filed November 8, 2019, Respondents were granted permission to amend their brief. The order also states, “Appellant may serve and file an amended reply brief.”

In a joint call between counsel for Appellants, counsel for the Respondents, and the Honorable Ms. Kitchings, the best way to proceed with the filing of the amended briefs and amended Record on Appeal was discussed. It is the Appellants’ belief that filings have been submitted in accordance with this discussion.

On December 6, 2019, Respondents filed an Amended Designation of Matter and an Amended Initial Brief of Respondents. After the filing of the amended Respondents’ brief, Appellants decided not to exercise the option of filing an Amended Reply Brief.

On January 6, 2020, at the same time the Respondents filed their final brief, they filed a Supplemental Record on Appeal, titled “Appendix 1 Record on Appeal”, containing the four (4) additional documents they have designated. Respondents’ page numbering in their “Appendix 1 Record on Appeal” picked up at page 534, indicating their continuance of the Record on Appeal as previously filed. The Amended Final Brief of Respondents relies upon the original Record on Appeal filed in this case, as well as the supplemental Appendix they provided.

Appellants notified the Court of their decision to stand on the Reply Brief and Record on Appeal previously filed, in letters to the Court filed on January 31, 2020 and submitted again on February 26, 2020. The filing of an Amended Reply Brief was not deemed necessary as the Amended Respondents’ Brief did not contain points that were not previously addressed by Appellants’ Reply Brief. Since the additional matter designated was filed by the Respondents

and accepted by the Court in a supplement to the Record on Appeal, it was not necessary for Appellants to file an Amended Record on Appeal.

Appellants assert that it would be counterproductive to submit an additional Record on Appeal, as all documents that have been referenced by both the Appellants and the Respondents have been submitted to the court in a manner in compliance with Rule 210, SCACR. Neither parties, nor the Court, will benefit from any duplicative submissions.

In sum, based on the forgoing and the totality of the circumstances, including the costs to the parties to have the Appellants' Record on Appeal and the Respondents' supplemental Appendix prepared again, since they were previously filed, Appellants respectfully request that this motion be granted in accordance with the best interest of all parties involved.

Respectfully submitted,

s/ Grant H. Gibson

Grant H. Gibson, Esquire
SC Bar No. 9269
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Attorney for Appellant

May 7, 2020

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PROOF OF SERVICE

I, the undersigned, certify that I have served, or caused to be served, APPELLANTS' MOTION TO RELY ON RECORD ON APPEAL FILED ON APRIL 15, 2019, on counsel for the Respondents, Ely O. Grote, by depositing one copy of the same in the United States mail, postage prepaid, and submitted an electronic copy via email addressed as follows:

Ely O. Grote
McCabe, Trotter & Beverly, P.C.
PO Box 212069
Columbia, SC 29211

ely.grote@mccabetrotter.com

s/ Grant H. Gibson


Grant H. Gibson, Esquire
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St. Augustine, FL 32092
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Attorney for Appellants

May 7, 2020

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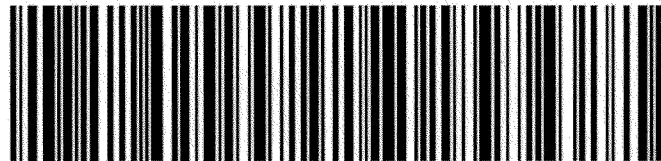
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Grant H. Gibson, Esq.
661 W. Johns Creek Pkwy.
St. Augustine, FL 32092

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Columbia SC 29221-2069

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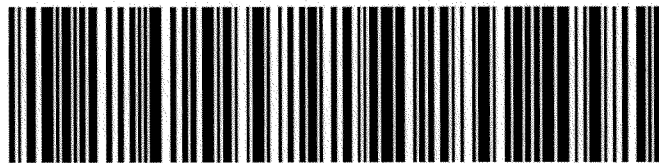
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St. Augustine FL 32092

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SC COURT OF APPEALS
1220 Senate Street
Columbia SC 29201-3769

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G. Gibson & Associates, LLC

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May 7, 2020

BY: E-Mail: ctappfilings@sccourts.org
U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: Raymond A. Wedlake v. Benjamin Acord, et al
Appellate Case No. 2018-001209
Common Pleas Case No. 2017-CP-23-6301
Transmittal of Motion per Letter Noticed by the Court

RECEIVED

May 07 2020

SC Court of Appeals

Dear Ms. Kitchings:

While as of today's date, I have yet to receive via mail the Notice posted by the Court, dated May 1, 2020, we are transmitting, on behalf of my Client, Mr. Raymond A Wedlake, our responsive Motion requesting this Honorable Court to accept our previously submitted documents, including our Final Briefs, Final Record on Appeal, and recent letters, as our final pleadings. A cashier's check for the motion fee of \$50.00 is included.

While I am in the "at risk" group and sheltering in place, I can be reached at my Resident Office, at the address below should you wish to do so. Thus, should you have any questions or concerns, please do not hesitate to contact me.

As you will note, we are transmitting a copy of this letter to counsel for Respondent, Mr. Grote.

Thank you!

Respectfully submitted,

GRANT H. GIBSON, ESQ.
Counsel for Appellant – Raymond Wedlake

/s/ Grant H. Gibson

Grant H. Gibson, Esq. Bar #: 0009269
661 W. Johns Creek Pkwy.
St. Augustine, Fl. 32092
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cc. Ely Grote (via U.S. Mail & E-mail, with Enclosed Letter)