

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2019-000566
Case No. 2016-CP-40-0387

RECEIVED
Jun 01 2020
SC Court of Appeals

Sammie L. Goodwin, Appellant,

v.

Richland County Sheriff Department, Richland County
Sheriff Leon Lott in his official capacity, Respondents.

**MOTION TO CORRECT RECORD ON APPEAL
AND EXTENSION TO FILE RESPONDENTS' FINAL BRIEF**

The Respondents Richland County Sheriff Department and Richland County Sheriff Leon Lott, in his official capacity, respectfully move this Court for an Order requiring the Appellant to re-print the Record on Appeal to make various corrections as outlined below and to extend the time for the Respondents to file their Final Brief.

By way of background, the Appellant was advised by letter dated February 28, 2020, from the Clerk of Court that the time for serving the Record on Appeal had expired. The Appellant apparently filed a motion to file the Record on Appeal out of time, but that motion was not served on Respondents' counsel. The Court granted that motion by Order filed March 30, 2020. The Respondents' counsel was never served with the Record on Appeal, but have now obtained a copy from the Court through its on-line docket. The proof of service dated March 9, 2020, shows service on the Respondents' counsel at an old address. A copy of the Record on Appeal was never received from the Appellant.

Upon review of the Record on Appeal as filed by the Appellant, the Respondents note that most of the documents designated by the parties have not been included in the Record on Appeal. Specifically, the following matters were designated by the Respondents and *are not included* in the Record on Appeal as prepared and filed by the Appellant:

- (1) Order of Circuit Court Judge Alison Lee filed August 30, 2017
- (2) Order of Circuit Court Judge George McFaddin filed June 7, 2017
- (3) Complaint
- (4) Answer
- (5) Defendants' Motion to Compel, filed March 13, 2017, with all exhibits

- (6) Defendants' Motion to Dismiss for Failure to Prosecute, filed August 14, 2017
- (7) Defendants' Memorandum in Support of Motion to Dismiss for Failure to Prosecute, filed August 14, 2017, with all exhibits
- (8) Defendants' Renewed Motion to Dismiss, filed January 26, 2018
- (9) Plaintiff's Deposition, with exhibits
- (10) Deposition of Mickey Plymale, M.D., with exhibits
- (11) Copies of MRI Patient Medical History Screening Forms submitted at March 28, 2018 hearing
- (12) Transcript of June 6, 2017 Motion Hearing
- (13) Transcript of August 30, 2017 Motion Hearing

Rule 210(c), SCACR, using mandatory language, provides that “[t]he Record on Appeal *shall* include all matter designated to be included by any party under Rule 209.” (Emphasis added). The Appellant, however, has not complied with this rule and has excluded most of the matters as designated by the Respondents -- as set forth in the above list. In addition, Rule 210(g), SCACR, requires that “Appellant or his counsel shall certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.” The Rule 210(g) Certificate as filed by the Appellant is unsigned.

The Respondents therefore respectfully request that this Court order the Appellant to re-print the Record on Appeal to correct the errors and deficiencies

addressed in this motion. The Respondents also request that the re-printed Record on Appeal include the names and correct addresses for the Respondents' counsel of record. Finally, the Respondents' Final Brief cannot be prepared until the Record on Appeal is corrected because there are numerous references therein to documents and evidence that have been excluded from the Record on Appeal. Thus, the Respondents request that they be given twenty days after the Corrected Record on Appeal is served in order to file their Final Brief.

Respectfully submitted,

LINDEMANN, DAVIS & HUGHES P.A.

BY: s/ Andrew F. Lindemann
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-and-

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(803) 724-5729

Counsel for Respondents

June 1, 2020

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SC Court of Appeals

CERTIFICATE OF SERVICE

The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Respondents, does hereby certify that service of the **Motion to Correct Record on Appeal and Extension to File Respondents' Final Brief** was made upon the *pro se* Appellant by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 1st day of June 2020, and upon all other counsel of record by email only pursuant to Section (g)(13) of the Supreme Court's Order Re: Operation of the Trial Courts During the Coronavirus Emergency (As Amended May 29, 2020):

Mr. Sammie L. Goodwin
312 Isaac Street
Columbia, South Carolina 29203

Via Email Only

Robert D. Garfield, Esquire
Crowe LaFave, LLC
Email: robert@crowelafave.com

s/ Andrew F. Lindemann



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June 1, 2020

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Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RE: Sammie L. Goodwin v. Richland County Sheriff Department, Richland County Sheriff
Leon Lott in his official capacity
Appellate Case Number: 2019-000566
Civil Action Number: 2016-CP-40-0387
Claim Number: Risk Management
Our File Number: 314.20152

Dear Ms. Kitchings:

Please find enclosed for filing the **Motion to Correct Record on Appeal and Extension to File Respondents' Final Brief** in the above referenced matter. By copy of this letter, I am serving copies on the *pro se* Appellant and all other counsel of record. The \$50.00 filing fee will be sent under separate cover.

If you have any questions, please advise. Thank you for your assistance in this matter.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosure

The Honorable Jenny Abbott Kitchings
June 1, 2020
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cc: (w/ Enclosure)

Mr. Sammie L. Goodwin
312 Isaac Street
Columbia, South Carolina 29203

Via Email Only

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