

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Carmen T. Mullen, Circuit Court Judge

Case No. 2017-CP-27-0386
Appellate Case No. 2018-002186

RECEIVED
JUL 01 2020
SC Court of Appeals

First Team Hyundai, LLC d/b/a Hilton Head Hyundai Respondent

v.

Greg S. Hackney Appellant

**RESPONDENT’S RETURN TO APPELLANT’S MOTION FOR 90-DAY EXTENSION
AND/OR MOTION TO STAY**

Appellant is attempting to get a second bite of the apple. This Court, on May 22, 2020, issued its clear and unequivocal Order requiring Appellant to serve an amended Record on Appeal that must: (1) include all documents designated by both parties; and (2) omit all documents not presented to the lower court. Instead of following this Order, Appellant seeks to include information not in the record below by filing a motion in the lower court that has no jurisdiction.¹

¹ A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with the substantive procedural requirements of the law. *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9, n.5 (2003).

Documents not Presented to the Lower Court Shall be Omitted

Appellant calls into question the integrity of the Jasper County Clerk of Court. However, it is clear that the following documents are not in the lower court record and should not be included in the Record on Appeal:

- a. Jasper County Sheriff's Office Summary (R. 279-280).
- b. Jasper County Victim Notification Information Form (R. 281).
- c. April 2, 2018 note from Scott Henthorn (R. 282).
- d. Order Denying Plaintiff's Motion for Temporary Restraining Order and/or Preliminary Injunction (R. 283).²
- e. The Wal-Mart video

Also, Appellant admits in his Motion that 27 documents "...are not in the Jasper County Circuit Court Index." Therefore, he must follow this Court's Order and omit them.

Appellant makes the bold statement in his request for extension and/or stay that he "will include" the Wal-Mart video in the Record. However, it was never submitted to the lower court and never designated by Appellant in his two Designations. No extension or stay is necessary; rather Appellant shall be ordered to follow this Court's May 22, 2020 Order.

The Lower Court Lacks Jurisdiction to Hear Appellant's Motion

The lower court granted Summary Judgment on November 13, 2018. The Appeal filed gave this Court exclusive jurisdiction over the appeal. Rule 205, SCACR. Therefore, Appellant's Motion in the lower court is a nullity and Appellant should comply with this Court's Order of May 22, 2020.

Conclusion

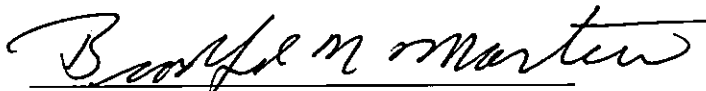
Respondent respectfully requests this Court to enforce its May 22, 2020 Order and deny this request for a time extension and/or stay. South Carolina Courts have traditionally held the

² Page 283 of Appellant's Record on Appeal does not appear in Defendant's Exhibit 1 on file with the Clerk of Court. The Order is included in the Record on Appeal beginning at page 1. Respondent requests page 283 be removed from the Record to accurately reflect what has been entered as Defendant's Exhibit 1.

appealing party accountable for failing to present the Court with an adequate record on appeal for review. *Johnson v. S.C. Dept. of Prob., Parole, and Pardon Svcs.* 372 S.C. 279, 283, 641 S.E.2d 895, 897 (2007).

Respectfully submitted,

June 29, 2020



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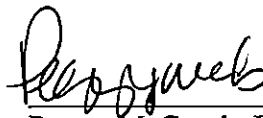
v.

Greg S. Hackney Appellant

PROOF OF SERVICE

I, Peggy McComb, Legal Assistant to attorneys for Respondent, First Team Hyundai, LLC d/b/a Hilton Head Hyundai, certify that I have served a copy of Respondent's Return to Appellant's Motion for 90-Day Extension and/or Motion to Stay by depositing a copy in the U.S. Mail, sufficient first class postage prepaid, on June 29, 2020, addressed to Greg S. Hackney, 6125 Roswell Road, #503, Sandy Springs, GA, 30328.

June 29, 2020



Peggy McComb, Legal Assistant to
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The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

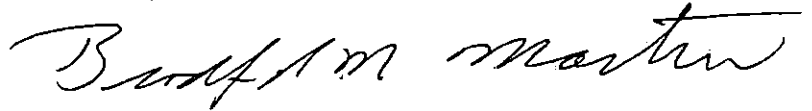
Re: *First Team Hyundai, LLC dba Hilton Head Hyundai v. Greg S. Hackney*
C.A. No. 2017-CP-27-0386
Appellate Case No. 2018-002186

Dear Ms. Kitchings:

Enclosed for filing is an original and seven (7) copies Respondent's Return to Appellant's Motion for 90-Day Extension and/or Motion to Stay and a Proof Service in the above captioned matter. Please file the original with your Court and return a clocked copy to me in the enclosed envelope.

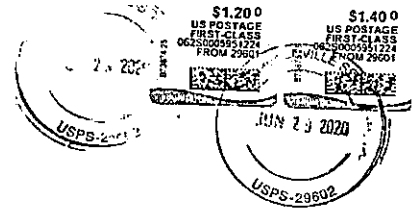
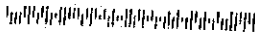
Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Bradford N. Martin

BNM/pm
cc: Greg Hackney



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SC Court of Appeals

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