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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-In-Equity

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SC Court of Appeals

Mikell R. Scarborough, Master-In-Equity for Charleston County

Appellate Case No. 2020-000029
Trial Court Case No. 2017-CP-10-3705

Ho Dong Lee,

Appellant,

v.

Yong Wook Park and Sunny Kim Park,

Respondents,

**RESPONDENTS' MOTION TO SUPPLEMENT THE RECORD ON APPEAL AND TO HOLD
DEADLINES IN ABEYANCE**

COME NOW Respondents Yong Wook Park and Sunny Kim Park (collectively referred to as "Respondents") and hereby request the supplementation of the Record on Appeal to include the materials identified in Respondents' Designation of Matter to be Included in the Record on Appeal and to hold the current deadlines in abeyance until such time as Record on Appeal is supplemented. As grounds for this Motion, Respondents state as follows:

1. On August 14, 2020, Respondents submitted Respondents' Initial Brief, Respondents' Designation of Matter to be Included in the Record on Appeal, and Proof of Service.
2. As indicated in Respondents' Designation of Matter to be Included in the Record on Appeal, Respondents identified the entire deposition transcript of the Deposition of Plaintiff/Appellant Ho Dong Lee on April 10, 2019 to be included in the Record on Appeal on the

basis that the relevant testimony of Plaintiff/Appellant Lee is found throughout the deposition transcript and was presented to the lower court.

3. The full transcript of the Deposition of Plaintiff/Appellant Ho Dong Lee is omitted from the Record on Appeal filed by Appellant. The Record on Appeal contains only an incomplete excerpt of Appellant Lee's deposition testimony. Specifically, the following references to Appellant Lee's deposition transcript were omitted from the Record on Appeal despite being identified in Respondents' Initial Brief and Respondents' Designation of Matter to be Included in the Record on Appeal: Lee Dep., p. 6, line 14 – p. 7, line 17; p. 11, line 2 – p. 12, line 2; p. 16, line 1 – p. 18, line 18; p. 22, line 21 – p. 23, line 2; p. 24, lines 9-11; p. 27, line 24 – p. 28, line 1; p. 30, lines 20-22; p. 74, lines 12-18; p. 78, line 5 – p. 79, line 11; p. 95, lines 7-17.

4. Respondents also identified in Respondents' Designation of Matter to be Included in the Record on Appeal Defendant/Respondent Yong Park's Motion for Attorneys' Fees and Costs filed with the lower court on January 6, 2020, along with Exhibits A through D, as well as the Form 4 Order Staying and Continuing Motion for Attorney's Fees. However, the Record on Appeal omits the Motion for Attorney's Fees and Costs and the Form 4 Order.

5. Counsel for Respondents attempted to confer with counsel for Appellant prior to filing this Motion via email and telephone calls. However, at the time of the filing of this Motion, counsel for Appellant has not indicated her consent to supplementing the record to include the materials identified in Respondents' Designation of Matter.

6. Therefore, Respondents respectfully request that the Court grant Respondents leave to supplement the Record on Appeal and for the deadlines to be held in abeyance pending the resolution of this Motion and filing of the supplemental record.

Respectfully submitted,

By: s/Ellis R. Lesemann
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LESEMANN & ASSOCIATES LLC
418 King Street, Suite 301
Charleston, SC 29403
(843) 724-5155

Attorneys for Respondents

November 3, 2020
Charleston, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that I have this date, mailed, postage prepaid, a true and correct copy of the Respondents' Motion to Supplement the Record on Appeal and to Hold Deadlines in Abeyance to the following counsel of record:

Karen M. DeJong, Esq.
DeJong Law Firm, LLC
222 West Coleman Blvd., Suite 110
Mount Pleasant, SC. 29464
Attorneys for Appellant Ho Dong Lee

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By: s/Michelle A. Matthews
Michelle A. Matthews

November 3, 2020
Charleston, South Carolina

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November 3, 2020

VIA U.S. MAIL AND ELECTRONIC MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court for SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

Re: *Ho Dong Lee vs. Yong Wook Park and Sunny Kim Park*
Appellate Case No. 2020-000029

Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of Respondents' Motion to Supplement the Record on Appeal and to Hold Deadlines in Abeyance in connection with the above-referenced matter. Also enclosed is this firm's check made payable to the South Carolina Court of Appeals in the amount of Twenty Five and No/100 Dollars (\$25.00) representing the applicable filing fee.

Thank you for your assistance with this matter.

With best regards,

s/ Ellis

Ellis R. Lesemann

ERL/ajs
Enclosure

cc: Karen M. DeJong, Esq.

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With best regards,

s/ Ellis

Ellis R. Lesemann

ERL/ajs
Enclosure

cc: Karen M. DeJong, Esq.

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