

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Master-In-Equity

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' REPLY IN SUPPORT OF MOTION TO SUPPLEMENT THE RECORD ON
APPEAL AND TO HOLD DEADLINES IN ABEYANCE**

Respondents Yong Wook Park and Sunny Kim Park (collectively referred to as "Respondents") hereby reply to Appellant Ho Dong Lee's ("Appellant" or "Lee") Return and Opposition to Respondents' Motion to Supplement the Record on Appeal and to Hold Deadlines in Abeyance as follows:

1. As indicated by the signed Certification to the Record on Appeal, Appellant's counsel certified that "the Record on Appeal contains all material proposed to be included by any of the parties and not any other material," pursuant to Rule 210(g), SCACR. However, counsel for Appellant did not include "all material proposed to be included" by Respondents in their Designation of Matter to be Included in the Record on Appeal. The Record on Appeal omits certain

materials proposed by Respondents, which Appellant deemed “irrelevant” and not subject to this Court’s review.

2. Respondents’ Designation of Matter to be Included in the Record on Appeal clearly identifies the entire deposition transcript of the Deposition of Plaintiff/Appellant Ho Dong Lee dated April 10, 2019.

3. The Record on Appeal omits portions of Appellant Lee’s deposition testimony that were cited, referenced, and relied upon by Respondents in their Memorandum in Support of Motion for Summary Judgment and Reply in Support of Motion for Summary Judgment, which were presented to and ruled upon by the lower court. The following references to Lee’s deposition testimony have been omitted from the Record on Appeal despite being presented to the lower court in the brief: 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 7-17.¹ The testimony contained in these omitted portions of Lee’s deposition transcript include admissions by Lee that no representations regarding the value of the assets were made by either Respondent.

4. Furthermore, the omitted portions of Appellant Lee’s deposition transcript contain testimony that was directly addressed during the hearing held on April 23, 2019 before the Honorable Mikell R. Scarborough. (R. p. 463, line 21 – p. 468, line 6.) As of the date of the hearing on April 23, 2019, the transcript of Appellant Lee’s deposition had not been received by counsel for Appellant. (R. p. 470, lines 1 – 14; R. p. 473, lines 17 - 22.)

¹ The citations and content were included in the Reply in Support of Motion for Summary Judgment, but these specific pages were inadvertently omitted from Exhibit C to the Memorandum in Support of Motion for Summary Judgment, which was intended to include all of the pages that were cited from the transcript of Lee’s deposition.

5. Respondents' Designation of Matter to be Included in the Record on Appeal was accompanied by a certificate signed by Respondents' counsel that the Designation contains no matter which is irrelevant to the appeal, in accordance with Rule 209, SCACR.

6. Accordingly, Respondents respectfully request that the Court grant Respondents leave to supplement the Record on Appeal.

Respectfully submitted,

By: *s/Ellis R. Lesemann*
Ellis R. Lesemann (S.C. Bar No. 15315)
erl@lalawsc.com
Michelle A. Matthews (S.C. Bar No. 100685)
mam@lalawsc.com
LESEMANN & ASSOCIATES LLC
418 King Street, Suite 301
Charleston, SC 29403
(843) 724-5155

Attorneys for Respondents

November 17, 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' Reply in Support of 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

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