

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Jan 21 2021

APPEAL FROM CHARELSTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Bentley Price, Circuit Court Judge

Gregory
Muxlow.....Appellant,

v.

Ruby Tuesday, KC Mulligan's, St. Ives and Carroll Management
Group.....Respondents.

Appellate Case No. 2020-000129

**SECOND MOTION TO AMEND THE RECORD ON APPEAL
AND SUPPLEMENT DESIGNATION OF MATTER**

The appellant respectfully requests that the Appellate Court grant permission to the appellant to amend the Designation of Matter and the Record on Appeal. Respondent Ruby Tuesday was dismissed as a party to the underlying action and the appellant has appealed the dismissal. The appeal is currently pending in this Court.

On January 8, 2021, the lower court entered judgment against Ruby Tuesday employee Arnold Harris in the amount of \$2,200,000. Because uncontroverted evidence was presented to the Court that Harris acted in the scope and course of his Ruby Tuesday employment when he contributed to the death of Jennifer Muxlow, Ruby Tuesday's liability has been conclusively established. Since Ruby Tuesday's liability has now been legally established in the lower court, Ruby Tuesday should not have been dismissed, and this appeal should not have become necessary.

The appellant therefore respectfully requests that the Appellate Court grant permission to the appellant to amend the Designation of Matter and the Record on Appeal to include the pertinent hearing transcript and the judgment against the Ruby Tuesday employee who acted in the scope and course of his employment when he caused the damage giving rise to the underlying action. In

the alternative, the appellant requests that this case be remanded to the lower court with instructions to proceed in accordance with that court's recent judgment.

Jan 21, 2021

Respectfully submitted,

s/ Joshua T. Hawkins

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PROOF OF SERVICE

I certify that I filed Appellant’s Second Motion to Supplement Designation of Matter and Amend Record on Appeal with the Clerk of Court of the South Carolina Court of Appeals, by electronic filing on January 21, 2021, to ctapfilings@sccourts.org, as well as via U.S. Mail. Additionally, all counsel of record have been served via electronica mail to the following electronic mailing addresses: cgriffin@brblegal.com, jgresh@hallboothsmith.com, emorrison@hallboothsmith.com, lizzilaw@aol.com, lizzilawfirm@aol.com.

January 21, 2021

s/Joshua T. Hawkins

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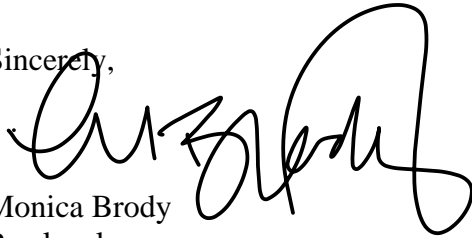
Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Gregory Muxlow v. Ruby Tuesday, KC Mulligan's, St. Ives and Carroll Management Group*
Appellate Case No.: 2020-000129

Dear Ms. Kitchings,

Enclosed for filing please find the appellant's second motion to amend the Record on Appeal and supplement Designation of Matter. Please also find enclosed the \$50.00 filing fee. Pursuant to the Order regarding Appellate Court Operations during the Coronavirus Pandemic still in effect, we have not enclosed additional copies for filing, but have notified all parties via electronic mail.

Sincerely,


Monica Brody
Paralegal

Enclosures

CC: electronic mail only:

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