

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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Appellate Case No. 2019-001790

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Certificate of Counsel

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**RECEIVED**

**Feb 03 2021**

**SC Court of Appeals**

The undersigned hereby certifies that the Record on Appeal, which is titled “Record on Appeal (Final),” contains all material proposed to be included by any of the parties and not any other material.

For clarification, the undersigned notes that Appellant filed its original Designation of Matters to be Included in the Record on Appeal on June 25, 2020. A consent order allowing Appellant to file an Amended Designation was filed on August 13, 2020, which was granted on August 31, 2020. Respondent filed its initial Designation of Matters to be Included in the Record on Appeal on August 26, 2020. On October 2, 2020, Appellant filed a motion objecting to some of the designations included in Respondent’s Designation, which motion was mooted when Respondent withdrew the designations that Appellant objected to. The original Record on Appeal was filed and served on Respondent on October 23, 2020.

On November 5, 2020, the Appellate Court filed an Order granting leave for Appellant to file a second amended initial brief. Appellant filed its Second Amended Initial Brief on November 24, 2020. Appellant filed the “Record on Appeal (Corrected)” on December 11, 2020 based on the information shared between the parties at that time; however, Respondent indicated that it would provide a supplemental Designation of Matters to be Included in the Record on Appeal when it filed its Initial Response Brief in reply to the Appellant’s Second Amended Initial Brief. The Court of Appeals issued a letter on December 15, 2020 stating that the Corrected Record was filed prematurely and “will not be considered.” On December 23, 2020, Respondent filed its [revised] Designation of Matters to be Included in the Record on Appeal.<sup>1</sup>

The supplemental pages to this Record on Appeal (Final) are inserted where applicable into the original numbering for the Record on Appeal that was originally filed on October 23, 2020. The pages are inserted as referenced below to avoid possible confusion with the originally filed record citations.

- The index was updated to correct scrivener’s errors and to reflect the supplemental designations.

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<sup>1</sup> Appellant subsequently clarified which document Respondent was designating in its December 23, 2020 pleading at number 31. The designation number 31 reads “TCR’s Pretrial Brief” but Appellant was informed by Respondent’s office that they intended to designate “TCR’s Pretrial Motion for Special Verdict, dated May 3, 2019.” This document was designated by Appellant in its June 25, 2020 designation at number 40 and is already included in the Record on Appeal.

- Nineteen (19) pages that were added in Respondent's designation on December 23, 2020 are inserted as pages R-0478.1 through R-0478.19 between pages R-0478 and R-0479.
- Seven (7) pages that were originally designated by the parties but were inadvertently left out of the original printing of the record on October 23, 2020, are inserted as pages R-1564.1 through R-1564.7 between pages R-1564 and R-1565.
- One (1) page that was added in Respondent's designation on December 23, 2020 is inserted as page R-1595.1 between pages R-1595 and R-1596.
- Fourteen (14) pages that were added in Respondent's designation on December 23, 2020 are inserted as pages R-1880.1 through R-1880.14 between pages R-1880 and R-1881.
- Fifteen (15) pages that were added in Respondent's designation on December 23, 2020 are inserted as pages R-1911.1 through R-1911.15 between pages R-1911 and R-1912.

Respectfully submitted,

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