

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
Mar 18 2021
SC Court of Appeals

APPEAL FROM MARLBORO COUNTY
The Hon. Paul M. Burch, Circuit Court Judge

Appellate Case No.: 2020-00989

Daisy Frederick,.....Respondent,

v.

Daniel Lee McDowell,.....Appellant.

**MOTION FOR LEAVE TO FILE
AMENDED RECORD ON APPEAL**

The Appellant moves for an Order granting leave to file an Amended Record on Appeal in this matter. The grounds for this motion are the following:

1. The Appellant timely served the Record on Appeal on counsel for the Respondent.
2. After serving the Record on Appeal, counsel for the Appellant discovered that a document that had been timely and properly designated for inclusion the Record on Appeal had inadvertently been omitted due to a clerical oversight.
3. Following discovery of that omission, an Amended Record on Appeal was prepared and served on counsel for the Respondent. The inclusion of the previously omitted document was the only change from the original Record on Appeal.

4. Service of the Amended Record on Appeal occurred well before the deadline for filing and service of the Respondent's Final Brief. In fact, due to an extension granted by the Court, that deadline still has not passed.

5. The Amended Record on Appeal is necessary to correct an oversight, and allowing filing of the Amended Record on Appeal will not prejudice the parties or result in any delay of the appeal.

Therefore, the Appellant respectfully requests that the Court enter an Order that grants leave to file an Amended Record on Appeal and accepts that record's previous filing.

Respectfully submitted,

s/ R. Hawthorne Barrett

R. Hawthorne Barrett

SC Bar No: 16973

Turner Padgett Graham & Laney, P.A.

P.O. Box 1473

Columbia, SC 29202

(803) 227-4219

tbarrett@turnerpadgett.com

Attorneys for Appellant

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PROOF OF SERVICE

The undersigned, an attorney in this matter for the Appellant, certifies that I have this **18th day of March, 2021**, served a copy of the **Motion for Leave to File Amended Record on Appeal** upon counsel for the Respondent by email and also by causing it to be deposited in the United States mail with sufficient postage attached, addressed to: Eric M. Poulin, Roy T. Wiley, J. Camden Hodge; Anastopoulo Law Firm, LLC; 32 Ann St., Charleston, SC 29403.

s/ R. Hawthorne Barrett

R. Hawthorne Barrett

SC Bar No: 16973

Turner Padget Graham & Laney, P.A.

P.O. Box 1473

Columbia, SC 29202

(803) 227-4219

tbarrett@turnerpadget.com

Attorneys for Appellant

March 18, 2021

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Carolyn B. Briggs

REPLY TO
E-Mail: CBriggs@TurnerPadget.com
Writer's Direct Dial: (803) 227-4217
Writer's Direct Fax: (803) 400-1460

March 18, 2021

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

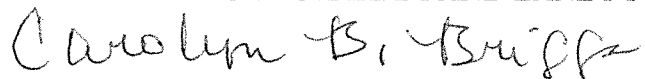
Re: Daisy Frederick v. Daniel Lee McDowell
Appellate Case No. 2020-00989
TP File No. 1464.7429

Dear Ms. Kitchings:

Enclosed please find the \$50.00 filing fee check for Appellant's Motion for Leave to File Amended Record on Appeal.

Sincerely,

TURNER PADGET GRAHAM AND LANEY P.A.



Carolyn B. Briggs

CBB: