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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2020-00719
Case No. 2015-CP-40-0619

Nancy Morris, as Personal Representative of the
Estate of David Allan Woods, Appellant,

v.

State Fiscal Accountability Authority, South Carolina
Insurance Reserve Fund, Andrew J. Bland, Richard T. Burkholder,
Leemon E. Carner, Priscilla Bland, Jerry Speissegger, Jr., Respondents.

**CONSENT MOTION TO SUPPLEMENT
RECORD ON APPEAL AND BRIEFS**

The Appellant Nancy Morris and the Respondents State Fiscal Accountability Authority and South Carolina Insurance Reserve Fund jointly move this Court for an Order granting leave of court to allow for the filing of a Supplemental Record on Appeal to include a copy of the Plaintiff's Motion for Summary Judgment, with exhibits, as served on November 3, 2017 and filed on November 7, 2017. The parties inadvertently failed to designate this Motion for Summary Judgment for inclusion in the Record on Appeal.

The oversight occurred because the Appellant filed two different Motions for Summary Judgment during the course of the litigation in the Circuit Court. The first was filed on

November 19, 2015, which was heard by Judge L. Casey Manning and denied by Form Order filed March 22, 2016. That motion was denied as premature because the appeal of the underlying case was still pending at the Fourth Circuit Court of Appeals. That Form Order has not been appealed by the Appellant. After the Fourth Circuit issued its decision in the underlying case, the parties filed Cross Motions for Summary Judgment which were heard and decided by Judge Alison Renee Lee, and it is that decision that has been appealed by the Appellant. The Appellant filed her second Motion for Summary Judgment on November 7, 2017, and it is that motion that was denied as part of Judge Lee's Order which is on appeal. When both parties were designating documents for inclusion in the Record on Appeal, both inadvertently referenced the first motion only and not the subsequent motion (with exhibits) that was actually heard by Judge Lee and is the subject of this appeal.

Based on the foregoing, the parties respectfully request by consent that this Court order the following:

1. The parties are granted leave of court to allow for the filing of a Supplemental Record on Appeal to include a copy of the Plaintiff's Motion for Summary Judgment, with exhibits, as served on November 3, 2017 and filed on November 7, 2017; and
2. The parties are granted leave of court to make such revisions as necessary to their Briefs to address solely the inclusion of Exhibit D to the Plaintiff's Motion for Summary Judgment, with exhibits, as served on November 3, 2017 and filed on November 7, 2017.

THURMOND KIRCHNER & TIMBES, P.A.

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*Counsel for Respondents State Fiscal
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Insurance Reserve Fund*

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CERTIFICATE OF SERVICE

Pursuant to Section (g)(3) of the Supreme Court’s Order re: Operation of the Trial Courts During the Coronavirus Emergency (As Amended May 29, 2020), the undersigned employee of Lindemann & Davis, P.A., counsel for the Respondents State Fiscal Accountability Authority and South Carolina Insurance Reserve Fund, does hereby certify that service of the **Consent Motion to Supplement the Record on Appeal and Briefs** was made upon all counsel of record by email only at the below listed email addresses this the 1st day of June 2021:

Thomas J. Rode, Esquire
Thurmond Kirchner & Timbes, P.A.
Email: thomas@tktlawyers.com

Garrett B. Johnson, Esquire
Email: gjohnson@elrodpope.com

s/ Andrew F. Lindemann



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June 1, 2021

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RE: Nancy Morris, as Personal Representative of the Estate of David Allan Woods v. State Fiscal Accountability Authority, South Carolina Insurance Reserve Fund, Andrew J. Bland, Richard T. Burkholder, Leemon E. Carner, Priscilla Bland, Jerry Speissegger, Jr.
Appellate Case Number: 2020-00719
Civil Action Number: 2015-CP-40-0619
Claim Number: B5578
Our File Number: 104.9622

Dear Ms. Kitchings:

Pursuant to Section (c)(6) of the Supreme Court's Amended Order Re: Operation of the Appellate Courts During the Coronavirus Emergency (as amended May 29, 2020), please find enclosed for filing by email only the **Consent Motion to Supplement Record on Appeal and Briefs** in the above referenced matter. This letter will also confirm that current appeal deadlines are currently held in abeyance pending a decision by the Court of Appeals on this motion.

By copy of this letter, I am serving copies on all counsel of record by email only. Thank you for your assistance in this matter. If you have any questions, please advise.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosure

cc: Thomas J. Rode, Esquire (w/ Enclosure, Via Email Only)
Garrett B. Johnson, Esquire (w/ Enclosure, Via Email Only)