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Jun 08 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY

Teasa K. Weaver, Master in Equity

Appellate Case No. 2020-001023

Mark Giles Pafford,

Appellant,

v.

Robert Wayne Duncan, Jr.,
Robert Duncan, Sr., and Frank Eason,
d/b/a "Rock City Heavy Hauling, Inc."
of whom

Robert Wayne Duncan, Jr. and
Robert Duncan, Sr. are the Respondents.

RESPONDENTS RESPONSE TO APPELLANTS
MOTION FOR CLARIFICATION OF ORDER,
FOR EXTENSION or TO FILE OUTSIDE OF TIME

On or about April 27, 2021, Respondents filed a Motion to Correct Deficiencies in Record and Extension of Time to File Final Brief. The Respondents properly served the Appellant on April 27, 2021. Pursuant to Rule 240(e), SCACR, the Appellant had ten (10) days from the date of service to submit a return to this Court. Appellant did not file a return to

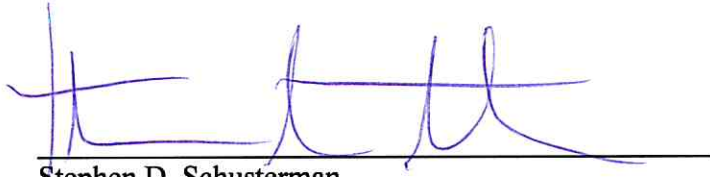
Respondents' motion nor has the time period for filing the return been enlarged by this Court. Pursuant to 240(e), SCACR, "failure of a party to timely file a return may be deemed consent by that party to the relief sought in the motion or petition".

This Court subsequently issued its Order on May 14, 2021 providing that Appellant was to file an amended record on appeal correcting the deficiencies as outlined in Respondents' Motion and serve upon Respondents' within twenty (20) days from the date of the Order. The Amended Record on Appeal was due by June 3, 2021. Respondents did not receive an Amended Record on Appeal.

On June 4, 2021, Appellant filed a Motion for Clarification, Extension of Time or to File Outside Time setting forth the reason for his lack of response "press of business in [h]is office and pending appellate deadlines. Although Respondents' Counsel sympathizes with Appellant's Counsel, our Appellate Rules offer avenues to seek more time and Appellant has failed to do so. Appellant failed to request an extension to respond to Respondents Motion and even after the Order was issued failed to seek timely relief from this Court. The Appellant is not only seeking more time to amend the Record on Appeal, but he is also seeking affirmative relief in having the Respondent bear some of the financial burdens of amending the Record on Appeal. As a result, the Respondents submit to this Court that this Motion is untimely and should be denied.

In the event this Court deems Appellant's Motion is timely and should be considered by this Court, the Respondent would consent to Appellant redacting of pages 484-489 by merely eliminating any identifying information and thereby reducing any additional financial burden to Appellant and not passing any financial burden of the Record on Appeal to the Respondents.

WHEREFORE, the Respondents seek a denial of Appellant's Motion for Clarification of Order, for Extension or to File Outside of Time.



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Attorney for Respondents

June 8, 2021

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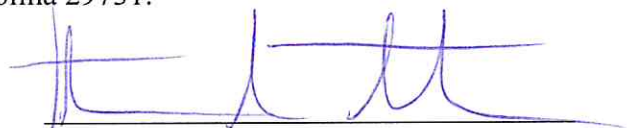
Mark Giles Pafford.....Appellant.

v.

Robert Wayne Duncan, Jr., Robert Duncan Sr., and Frank Eason, d/b/a "Rock City Heavy Hauling, Inc." of whom Robert Wayne Duncan, Jr. And Robert Duncan, Sr. are
,.....Respondents.

CERTIFICATE OF SERVICE

I certify that I have served the Respondents response To Appellants Motion For Clarification Of Order, For Extension or To File Outside Of Time by depositing it by regular mail, postage prepaid, on June 8, 2021, addressed to the attorney of record, John Martin Foster, Esq., Post Office Box 106, Rock Hill, South Carolina 29731.



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June 8, 2021.

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STEPHEN D. SCHUSTERMAN

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Mark Giles Pafford v. Robert Wayne Duncan, Jr., et al
Appellate Case No.: 2020-001023

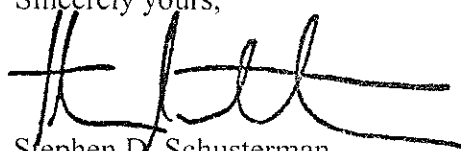
Dear Ms. Kitchings:

Enclosed please find an original and 6 copies of Respondent's Response to Appellants Motion For Clarification of Order, For Extension or To File Outside of Time and a Certificate of Service on the above referenced case.

Thank you for your attention to this matter.

With best regards, I am

Sincerely yours,



Stephen D. Schusterman

Enclosure
SDS/as

cc: Mr. John Martin Foster
Mr. Robert Duncan, Jr.
Mr Robert Duncan, Sr.