

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
In The Circuit Court

Teasa K. Weaver, Master in Equity

Appellate Case No. 2020-001023

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JUN 09 2021

SC Court of Appeals

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 Wavne Duncan, Jr. and
Robert Duncan, Sr. are the,

Respondents.

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

Pursuant to Rule 240, S.C.A.C.R., the Appellant, by his counsel undersigned, moves this Court for an order clarifying the terms of the Order dated May 14th, granting an extension of time to file his Amended Record on Appeal in the above appeal, or to file outside time, on the grounds stated below:

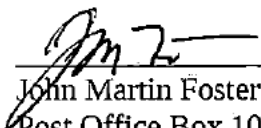
1. The Order of this Court dated May 14th, 2021 grants the Respondents' Motion filed April 27th, 2021. Counsel for the Appellant acknowledges that he did not timely file a response thereto. This lack of response can only be explained by the press of business in his office and pending appellate deadlines. As stated herein, the Order of May 14th leaves some questions as to its effect in this appeal, as set out below.

2. To the extent the point may be raised at this time, the Respondents allege in the second point to their said Motion, that pages 484 – 489 do not relate to this matter. The Appellant agrees as to this characterization of those pages; those pages were, however, filed by the Respondents as a Reply in this matter, listed as item No. 25. in the Appellant's Designation of Matter and passed without objection by counsel for the Respondents. The Appellant argues that their inclusion cannot now be challenged. If, in the alternative, the Respondents' object to their inclusion is sustained, it is only equitable that some division of costs for their exclusion and re-printing of that portion of the Record on Appeal.
3. As noted by counsel for Respondents, the Record on Appeal herein is sizable. Counsel for Appellant does not challenge the assertion that pages 917-918, 921-924 and 887-891 are missing from the copy of the Record on Appeal supplied to counsel for Respondents. Counsel for Appellant would note, however, that correction of these omissions would effect, at most, volumes 4 and 5 of the Record on Appeal. On that basis, correction of those omissions should involve only a re-printing of those volumes. The Appellant seeks the Court's guidance and clarification on these points.
4. Due to the facts referenced above, the Appellant moves for an extension of time in which to file the Amended Record on Appeal until the matters herein are clarified.

The basis of this Motion is the within-cited Rules, the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant herein moves this Court move this Court for an order granting an extension of time to file the Amended Record on Appeal in the above appeal until the matters herein are clarified.

June 4, 2021



John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorney for Appellant

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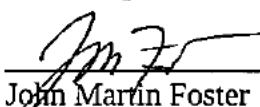
CERTIFICATE OF SERVICE

I certify that I have served the Appellant's Motion for Clarification of Order, and for an extension of time, or to file late, as to the Amended Record on Appeal on the following counsel or persons of record:

Stephen D. Schusterman
P.O. Box 4211
Attorney for Respondents
Rock Hill, South Carolina 29731

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262(b), S.C.A.C.R.

June 4, 2021



John Martin Foster
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Attorney for Appellant

Subject: Pafford v Duncan App. 2020-001023
From: John Martin Foster <jmfoster@comporium.net>
Date: 6/4/21, 1:22 PM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
CC: "Stephen D. Schusterman" <sds1aw@comporium.net>

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Ms. Kitchings:

I attach for filing a pdf copy of our Motion to Clarify the last Order and for extension of time in the appeal above. I am copying opposing counsel by this e-mail and sending him a hard copy by mail.

Please file the Motion. I will also send the original and one copy to your office with the Motion fee of \$50.00

Thank you and your office as always for your aid in these matters.

--

Martin Foster

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Pafford v Duncan App. 2020-001023

Attachments:

MtnClarify06-04-2021-131112.pdf

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