

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Jul 26 2021

SC Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas

Roger E. Henderson, Circuit Court Judge

Case No. 2020-000058

Angel Phillips,Appellant

v.

Hartsville Department of Social Services,Respondent

MOTION TO SUPPLEMENT RECORD ON APPEAL

TO: APPELLANT ANGEL PHILLIPS:

PLEASE TAKE NOTICE that Respondent, by and through undersigned counsel, and under Rule 212(b) SCACR hereby moves the court for leave to supplement the Record on Appeal.

The grounds for this motion are as follows:

1. The Record on Appeal served on counsel for Respondent by Appellant does not contain complete copies of all matters designated by Respondent, although complete copies of those items were provided to Appellant by counsel for Respondent.
2. Each page in the Record on Appeal served on counsel for Respondent by Appellant is not consecutively numbered.

In a separate but related matter, undersigned counsel for Respondent has never been served with a copy of Appellant's Designation of Matter to be Included in the Record on Appeal. Therefore, filed simultaneously herewith is a Motion to Compel Service of Appellant's Designation of Matter to be Included in the Record on Appeal.

Undersigned counsel has communicated with Appellant in an attempt to resolve this matter before involving the court. However, as shown on Exhibit 1 attached hereto, Appellant has advised by e-mail that when she receives a “letter of deficiency” from the court “corrections will be made.” This communication from Appellant shows Appellant’s continued disregard for the rules of appellate procedure, disrespect of the court, and refusal to work in good faith with counsel for Respondent. This has been a pattern throughout this appeal. *See, e.g.*, Respondent’s Return to Motion to Reopen Case.

“[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this state. It is incumbent upon [Appellant] to provide material that complies with the Rules and facilitates appellate review.” *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992). Appellant’s disregard of the rules has caused Respondent to incur additional costs and attorney’s fees to compel Appellant to do what the rules require her to do. The court has shown the *pro se* Appellant every deference, but the court’s resources continue to be consumed by Appellant’s repeated disregard of the rules.

s/Joseph P. McLean

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Attorney for Respondent

Florence, South Carolina
July 26, 2021

EXHIBIT 1

Thank you for your response 🙏

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On Thu, Jul 22, 2021, 4:02 PM Joe McLean <JMclean@cjplaw.com> wrote:

I disagree and will advise the court of your response as part of my motion.

JPM

Sent from my iPhone

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On Jul 22, 2021, at 4:06 PM, Angel Phillips <phillipsangel82@gmail.com> wrote:

Legally the court has to send myself a letter of deficiency. When I receive that letter corrections will be made!!! Period you don't have any control...Everything was turned in timely..... God bless you 🙏

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On Wed, Jul 21, 2021, 2:44 PM Joe McLean <JMclean@cjplaw.com> wrote:

Dear Ms. Spencer and Ms. Phillips

Today I received what appears to be the Record on Appeal from Appellant. I believe it is deficient under Rule 210(c) SCACR in the following respects:

- 1. It does not include complete copies of the matters I designated for Respondent
- 2. Each page is not consecutively numbered

I will defer to the court's instructions on correcting these deficiencies. Alternatively, I am asking for the consent of the Appellant to supplement the record via an Appendix as allowed under Rue 212 SCACR.

Further, I never received a copy of Appellant's Designation of Matters as required by Rule 209(a) SCACR. I am glad to accept service now and waive any objection to it being late.

Thank you both for your assistance and attention to these matters.

Joe McLean

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