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Sep 23 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM JASPER COUNTY  
Court of Common Pleas

The Honorable Carmen T. Mullen, Circuit Court Judge

Case No. 2017-CP-27-0386  
Appellate Case No. 2018-002186

First Team Hyundai, LLC d/b/a Hilton Head Hyundai .....Respondent

v.

Greg S. Hackney .....Appellant

**MOTION AND MEMORANDUM FOR CORRECTION OF THE RECORD ON APPEAL  
AND  
FOR EXTENSION OF TIME TO FILE AND SERVE RESPONDENT’S FINAL BRIEF**

Appellant served his Record on Appeal on September 3, 2021, which was received by Respondent’s counsel on September 7, 2021. The Record on Appeal is incomplete and contains a number of errors. As the Supreme Court has held:

Because court rules require the appealing party to prepare the record on appeal, see Rule 210(a), SCACR, South Carolina courts have traditionally held the appealing party accountable for failing to present the court with an adequate record on appeal for review.

*Johnson v. S.C. Dep't of Probation, Parole, & Pardon Servs.*, 372 S.C. 279, 283, 641 S.E.2d 895, 897 (2007). Further, this Court has held "the appellant has the burden of providing an adequate

record on appeal." *Solley v. Navy Fed. Credit Union, Inc.*, 397 S.C. 192, 214, 723 S.E.2d 597, 608 (Ct. App. 2012).

Respondent's Designation of Matter, as required by Rule SCACR 209, contained documents that were requested to be included in the Record.<sup>1</sup> However, Appellant's Record on Appeal does not contain the following documents:

1. Respondent's Partial Motion for Summary Judgment - Exhibit F and the last page of Exhibit I are omitted.
2. Respondent's Memorandum of Law in Support of Partial Motion for Summary Judgment - Exhibits G and R are omitted.

Further, Appellant includes several Exhibits to Respondent's Partial Motion for Summary Judgment and Memorandum in non-sequential order.

### **Conclusion**

Respondent is unable to complete its Final Brief as the Record on Appeal is not correct. Respondent respectfully requests the Court require Appellant to correct the Record on Appeal as noted above, and for an additional 20 days once the Record is corrected for Respondent to file its Final Brief.

Respectfully submitted,

Dated: September 23, 2021



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Attorneys for Respondent

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<sup>1</sup> See Court Docket containing designated documents.

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Appellate Case No. 2018-002186

First Team Hyundai, LLC d/b/a Hilton Head Hyundai ..... Respondent


v.

Greg S. Hackney ..... Appellant

**PROOF OF SERVICE**

I, Peggy McComb, Legal Assistant to attorneys for Respondent, First Team Hyundai, LLC d/b/a Hilton Head Hyundai, certify that I have served a copy of Respondent’s Motion and Memorandum for Correction of the Record on Appeal and for Extension of Time to File and Serve Respondent’s Final Brief, addressed to **Greg S. Hackney, 6125 Roswell Road, #145, Sandy Springs, GA, 30328.**

September 23, 2021

  
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September 23, 2021

Via email [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org) and U.S. Mail  
The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29021

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**Sep 23 2021**

**SC Court of Appeals**

Re: *First Team Hyundai, LLC dba Hilton Head Hyundai v. Greg S. Hackney*  
C.A. No. 2017-CP-27-0386  
Appellate Case No. 2018-002186

Dear Ms. Kitchings:

Enclosed please find Respondent's Motion and Memorandum for Correction of the Record on Appeal and for Extension of Time to File and Serve Respondent's Final Brief and Proof of Service. The filing fee for this Motion is being mailed to the Court today.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Laura W.H. Teer

LWHT/pm  
Enclosures

cc: Greg Hackney