

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

9/6/22

APPEAL FROM YORK COUNTY
In The Circuit Court

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Teasa K. Weaver, Circuit Court Judge

MAY 12 2022

SC Court of Appeals

Appellate Case No. 2021-001081

Robert H. Sarn,

Appellant,

v.

James C. Rhea, III;
City Electric Supply Company;

John Doe, a fictitious person representing the class of all unknown adult, mentally competent, unimprisoned, non-military person, who claim any right, title, or interest in, lien upon, the entity designated as "Taschner Textiles Industries, LLC"; and

Richard Roe, another fictitious person representing the class of all unknown persons who are either: under the age eighteen (18) years, imprisoned, or in the Armed Forces; and who claim any right, title or interest in or lien upon, the entity designated as Täschner Textile Industries, LLC," Defendants.

Of whom James C. Rhea, III and Täschner Textile Industries, LLC are the

Respondents.

MOTION TO CORRECT RECORD

and FOR EXTENSION OF TIME

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellant, by his counsel herein, moves this Court for an order correcting the record and granting him an extension of time as to his Final Brief, on the grounds stated below:

1. Earlier in this appeal, counsel for Appellant realized that he had mis-labeled the caption, omitting Täschner Textile Industries, LLC. Pursuant to Appellants' Motion, this Court allowed an amendment to the case correcting the caption and including Täschner, as stated above.

2. Prior to that time, counsel for Respondents had filed its Initial Brief, concentrating on the Respondent Rhea alone.
3. By mailing dated April 29th, 2022 and received May 2nd, 2022, counsel for Appellant has received two documents, entitled respectively, a) Respondent James C. Rhea, III's Final Brief and b) Respondent Täschner Textile Industries, LLC' Final Brief. Other than the designation of Respondent, the Briefs seem to be similar.
4. The Appellant has no desire to preclude the Respondents from a proper presentation of their position, but contends the above is improper appellate practice. If the Respondents have been prejudiced by the correction of the caption, they have the right to so plead, though to date they have not done so. Equally, if they wish to apply their Brief(s) to both Respondents, they have the right to do so, but proper procedure should be followed by way of a motion
5. The Appellant would also point out that both parties in this appeal have mis-labeled their recent filings:

Appellant has mis-labeled the Record on Appeal as "2021-000480;

Respondents have mis-labeled both their final Briefs as "2019-00143".

The true Appellate No. is stated in the caption above.

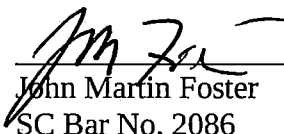
6. This Motion is filed to bring these mis-steps to the Court's attention and to request guidance as to their resolution. To counsel's knowledge, the Appellant's Final Brief is due as of May 10th, 2022.
7. To this end, counsel for Appellant requests an extension of time, or a grant to file outside time, for a reasonable period, until any such resolution be ordered.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant herein moves this Court to be allowed for an extension of time, or to file his Initial Brief and Designation of Matter, as set out above, pursuant to Rule 240 and 263(b), S.C.A.C.R.

May 9, 2022

Rock Hill, South Carolina



John Martin Foster
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803 324-8100
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
In The Circuit Court

Teasa K. Weaver, Circuit Court Judge

Appellate Case No. 2021-000480

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SC Court of Appeals

Robert H. Sarn,

Appellant,

v.

James C. Rhea, III;

City Electric Supply Company;

John Doe, a fictitious person representing the class of all unknown adult, mentally competent, unimprisoned, non-military person, who claim any right, title, or interest in, lien upon, the entity designated as "Taschner Textiles Industries, LLC"; and

Richard Roe, another fictitious person representing the class of all unknown persons who are either: under the age eighteen (18) years, imprisoned, or in the Armed Forces, and who claim any right, title or interest in or lien upon, the entity designated as Taschner Textile Industries, LLC," Defendants.

Of whom James C. Rhea, III and Taschner Textile Industries, LLC are the

Respondents.

PROOF OF SERVICE

I certify that I have served the Motion to Correct Record and for Extension of Time dated May 9, 2022, on the following counsel or persons of record:

Daniel J. Ballou

Dan.Ballou@mortongettys.com

J. Nathaniel Pierce

Nate.Pierce@mortongettys.com

Morton & Gettys

Attorneys for Respondents Rhea and

Taschner Textile Companies, LLC

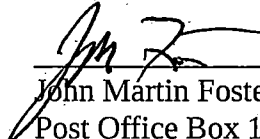
Post Office Box 707

Rock Hill, S.C. 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, S.C.A.C.R. and

by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section d(1) of the Order of the Supreme Court dealing with Electronic Filing and Service issued August 25, 2021.

May 9, 2022



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Post Office Box 106
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803 324-8100
Attorney for Appellant

Rock Hill, South Carolina

Sarn v Rhea et al. App. Case No. 2021-001081 (3)
Subject: Sarn v Rhea et al. App. Case No. 2021-001081 (3)
From: John Martin Foster <jmfoster@comporium.net>
Date: 4/20/22, 14:33
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
CC: Nate Pierce <Nate.Pierce@mortongettys.com>, Dan Ballou <Dan.Ballou@mortongettys.com>
BCC: Robert Sarn <bsarn@hotmail.com>

Pursuant to Section d(1) of the Order of 2021-08-25, I am filing with the Court, and serving opposing counsel with, the Record on Appeal in the above matter. I also attach our Certificate of Service to that effect.

Owing to the size, this filing will come in three parts.

I expect to have the hard copy ready for transmittal to the Court of Appeals tomorrow by mail.

Thank you as always for your help in these matters.

Martin Foster

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SC Court of Appeals

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—Attachments: _____

RoA-204-20-2022-140545.pdf

8.5 MB

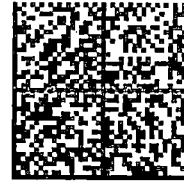
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MAY 12 2022

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
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