

The South Carolina Court of Appeals

Jacob Murdaugh, Appellant,

v.

Walmart Stores East, LP, Jan Lunsford, and John Doe,
Defendants,

Of Whom Walmart Stores East, LP and Jan Lunsford are
Respondents.

Appellate Case No. 2022-000141

ORDER

Respondents have filed a motion to strike certain matters Appellant designated for inclusion in the record on appeal. In response, Appellant filed a motion requesting a limited remand to allow the lower court to rule on a motion for relief from judgment "and/or" for clarification regarding whether documents were presented below. After careful consideration, Appellant's motion for limited remand or for leave to file a Rule 60, SCRCPP motion is denied. *See* Rule 60, SCRCPP ("During the pendency of an appeal, leave to make the motion must be obtained from the appellate court."). Because Appellant has failed to prove any matter listed in the motion to strike was actually presented to the lower court, the motion to strike is granted. *See* Rule 210(c), SCRAP ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."). Within thirty days of the date of this order, Appellant shall serve and file an amended initial brief that does not reference the stricken matters and an amended designation of matter omitting the stricken matters.



FOR THE COURT

Columbia, South Carolina

FILED
Sep 06 2022

cc:

Thomas C. Nelson, Esquire

Robert Canna Blain, Esquire