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**Sep 07 2022**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
H.W. Funderburk, Administrative Law Judge

Case No.: 21-ALJ-22-0245-AP

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Appellate Case No. 2021-001444

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Keiarra Carr, Appellant,

v.

South Carolina Department of Employment  
and Workforce & JDC Management, LLC, Respondents.

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**Motion to Strike Amended Record on Appeal**

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Respondents JDC Management, LLC and the South Carolina Department of Employment and Workforce move this Court to strike the Amended Record on Appeal filed by Appellant. The Amended Record does not comply with Rule 210(c), SCACR, or this Court's April 21, 2022 order because it omits many of the documents Respondents listed in their Designation of Matter to be Included in the Record on Appeal. Therefore, Respondents move this Court to strike the Amended Record and require Appellant to file and serve a record on appeal curing these defects and in compliance with the Court's rules. Respondents also request the Court hold all timelines in abeyance pending the Court's ruling on this motion.

When a party serves its initial brief, the party must also serve a designation of matter under Rule 209, SCACR, which sets forth the documents and materials the party proposes to be included

in the record on appeal. Pursuant to Rule 210(c), SCACR, the record on appeal "shall include all matter designated to be included by any party under Rule 209."

Respondents filed and served their designation of matter on February 28, 2022, and designated eighteen items. However, the Amended Record on Appeal filed by Appellant only includes a full copy of one of the items designated by Respondents and a partial copy of another item designated by Respondents. Sixteen of the items designated by Respondents have been completely omitted from the Amended Record on Appeal filed by Appellant. These omissions violate Rule 210(c).

Appellant's failure to include all documents designated by Respondents also violates an order from this Court. The instant motion is the second motion filed by Respondents regarding Appellant's failure to file a record on appeal in compliance with Rule 210(c). On March 16, 2022, Appellant filed a record on appeal, and on April 5, 2022, Respondents filed a motion to strike that record. Respondents' April 5, 2022 motion was based on multiple defects but focused heavily on Appellant's failure to include all documents designated by Respondents in their designation of matter. The Court granted Respondents' motion in an order dated April 21, 2022, and expressly ordered Appellant to "file an amended record on appeal that includes all matters designated by both parties." As the instant motion shows, Appellant's amended record on appeal fails to include all documents designated by Respondents and, thus, violates the Court's April 21, 2022 order.

Respondents request the Court strike Appellant's Amended Record on Appeal and require Appellant to file a new record on appeal which includes all documents designated by Respondents and complies with the Court's rules. *See* Rule 210(c) (explaining the record on appeal "shall include all matter designated to be included by any party under Rule 209" and noting when a portion of a decision is to be included in the record, the entire decision "shall" be included in the record).

Respondents further request the Court hold all timelines in abeyance pending the Court's ruling on this motion as Respondents cannot file their Final Brief in the absence of a proper Record.

Respectfully Submitted,

s/ Steven Jordan, Jr.

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*Attorneys for Respondent JDC Management, LLC*

September 7, 2022

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Respondents.

PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Strike Appellant's Amended Record on Appeal on the parties in this case by mail on September 7, 2022, addressed to the parties at their addresses of record:

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September 7 2022



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