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**Dec 12 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Bentley D. Price

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Court of Appeals Case No. 2022-000775  
Civil Court Case No. 2021-CP-10-2682

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Pet Helpers, Inc.....Respondent,

v.

Janet L. Frisco.....Appellant,

v.

Melissa Susko ..... Third-Party Defendant.

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**RESPONDENT’S MOTION TO STRIKE MATTERS FROM APPELLANT’S  
DESIGNATION OF MATTER**

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Respondent, by and through its undersigned counsel, hereby moves for an Order striking certain matters from Appellant’s Designation of Matter to be Included in the Record of Appeal (hereinafter, “Designation”) based upon failure to comply with Rule 210(c) of the South Carolina Appellate Court Rules. Appellant includes matters in her Designation that were not presented to the trial court; thus, this Court must strike those matters from Appellant’s Designation.

The following documents were neither presented to the trial court nor admitted into evidence in the underlying action and, therefore, are improperly included in Appellant’s Designation:

- a. Appellant's matter number 9, Defendant's Objection to Plaintiff's Motion to Reconsider Consolidation with previous case of abuse of discretion by Court of Common Pleas in 2005, with Exhibits;
- b. Appellant's matter number 11, Police Report Disclaiming Trespass; and
- c. Appellant's matter number 12, Tax Map of Pet Helper's Property.

As the aforementioned matters were not presented to the trial court nor admitted into evidence in the underlying action, this Court must strike these matters pursuant to Rule 210(c), SCACR. Furthermore, this Court should Order Appellant to amend her Initial Brief to remove all citations to and summaries from the aforementioned matters that are not properly before this Court. *See* Rule 210(h), SCACR.

Based on the foregoing, Respondent hereby moves this Honorable Court for an Order striking all improper matters as set forth above from Appellant's Designation, compelling Appellant to amend her Initial Brief to remove all improper matters and staying Respondent's time period to file its Initial Brief and Designation of Matter until such time as this Court has issued its Order on Respondent's Motion to Strike.

Respectfully submitted,

FUTERAL & NELSON, LLC

/s/Stephan V. Futeral

Stephan V. Futeral

SC Bar ID 66427

1004 Anna Knapp Blvd., Suite 3

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*Attorney for Respondent*

December 10, 2022

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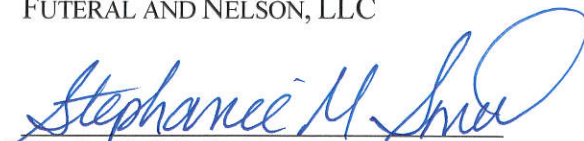
**PROOF OF SERVICE**

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I certify that I have served the *Respondent's Motion to Strike Matters from Appellant's Designation of Matter* by delivering the same via email and United States Regular Mail, postage prepaid, on December 10, 2022, addressed to the Appellant as follows:

Janet Frisco  
203 Cardinal Drive  
Summerville, SC 29485  
Janetfrisco@yahoo.com

FUTERAL AND NELSON, LLC



Stephanie M. Smith

Paralegal to Stephan V. Futeral, Esq.

Dated: December 10, 2022



**Futeral & Nelson** LLC

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Mount Pleasant, South Carolina 29464

**Mailing Address:**

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**SC Court of Appeals**

Ms. V. Claire Allen, Deputy  
South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
Columbia South Carolina 29201

**RE: Pet Helpers, Inc. v. Janet Frisco v. Melissa Susko**  
**Appellant Case No.: 2022-000075**

Dear Ms. Allen:

Enclosed please find our firm's check in the amount of \$50.00 for the filing fee related to *Respondent's Motion to Strike Matters from Appellant's Designation of Matter* which was emailed to this Court for filing on December 10, 2022. If there are any questions or should the Court need anything further, please let us know.

With kind regards, I am,

Sincerely,

Stephanie M. Smith  
Paralegal to Stephan V. Futeral

/sms

Enclosure

cc: Janet Frisco (via email and US Mail w/o encl.)