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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM CHARLESTON
COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

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

Pet Helpers, Inc.		Respondent,
	v.	
Janet L. Frisco.		Appellant,
	v.	
Melissa Susko		Third-Party Defendant

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

Appellant Pro Se hereby moves for an order striking all matter from Respondent's Designation Of Matter to be included in the Record of Appeal (hereinafter, "Designation") based upon failure to comply with Rule 209(a,b,c) of the South Carolina Court Rules. Respondent did not certify that their Designation contained no matter which is irrelevant to the appeal, thus this Court must strike all matters from Respondent's Designation.

Rule 209 DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL
states:

- a) **Time to Serve and File.** At the same time a party serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter to be included on the Record of Appeal which shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the Record of Appeal. One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court.

- b) **Content.** The Designation must clearly identify what the party desires to have included in the Record of Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record of Appeal (See Rule 210(c)). A party shall not include any matter in his Designation which is not relevant to the appeal.

- c) **Certification.** The Designation shall be accompanied by a certificate signed by the party's counsel of record that the Designation contains no matter which is irrelevant to the appeal.

Based on the foregoing, Appellant hereby moves this Honorable Court for an Order striking all matters numbers 1-20 as set forth from the Respondent's Designation which were not certified as relevant in the appeal because the Respondent did not comply with Rule 209.

Pursuant to Rule 209 (a), the Respondent also did not "set forth with specificity those parts of the pleadings, orders, exhibits, or other materials which he proposes to include in the Record of Appeal".

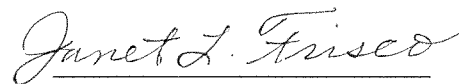
Pursuant to Rule 209 (b), the Respondent did not "clearly identify what they wanted included in the Record of Appeal from the transcripts, pleadings, orders, exhibits, or other materials which may be properly included in the record of Appeal [See Rule 210 (c)]. A party shall not include any matter in his Designation which is not relevant to the appeal".

Pursuant to Rule 209 (c) the Respondent did not "accompany his Designation by a certificate signed by the party's counsel that the Designation contains no matter which is irrelevant to the appeal".

Motion filing fee of \$50.00 will be mailed with hard copies to the Appellate Court.

DATED: December 20, 2022

Respectfully submitted,



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