

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Daniel Dewitt Hall, Circuit Court Judge

Appellate Case No. 2022-000682  
Case No. 2019-CP-46-04238

RECEIVED

Dec 29 2022

SC Court of Appeals

Philip Pringle, as the duly appointed Gurdian ad Litem for Alex Pringle,.....Respondent

v.

Janet Mewshaw, individually and as Trustee,.....Appellant

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**MOTION TO STRIKE RESPONDENT’S DESIGNATION OF MATTER  
TO BE INCLUDED ON THE RECORD ON APPEAL**

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Pursuant to Rules 208, 209, 210, and 240 of the South Carolina Appellate Court Rules, Appellant Janet Mewshaw, individual and as Trustee (“Appellant”), hereby moves to strike Respondent’s Designation of Matter to be Included on the Record on Appeal because it involves numerous designated matters that are not referenced in Respondent’s Initial Brief of Respondent. Alternatively, Appellant seeks an order instructing Respondent to amend his Designation of Matter so that it complies with the South Carolina Appellate Court Rules.

Respondent has identified approximately 112 documents to be included in the Record on Appeal; however, he only cites to approximately 39 of these documents in his Initial Brief. Stated differently, Respondent cites in his Initial Brief approximately 34% of documents that he includes in his Designation of Matter. A copy of Respondent’s Designation of Matter is attached hereto as

**Exhibit A**, and a copy of the designation with yellow highlighted matters that are *not* included in the Initial Brief of Respondent is attached hereto as **Exhibit B**.

Rule 208(b)(4), SCACR, provides, in pertinent part, as follows: “The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [see Rule 210(c)] to support the salient facts alleged.” Next, Rule 209(b), SCACR, provides that “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 on Appeal. [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.” Additionally, Rule 209(c), SCACR, provides that “[t]he 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.” Finally, Rule 210(c), SCACR, provides that “[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267.” Rule 210, SCACR, also provides that the appellant is responsible for preparing the record on appeal.

Appellant is charged with including all materials included in Respondent’s Designation of Matter in the Record on Appeal. Appellant maintains that Respondent’s Designation of Matter does not comply with the South Carolina Appellate Court Rules. The fact that only a small portion of the material referenced in the Designation of Matter submitted by the Respondent appears in his Initial Brief suggests that the material in the Designation of Matter is not relevant. For example, Respondent includes entire transcripts from hearings, depositions, and the trial, including his counsel’s opening statement. Counsel for Appellant has tried to resolve this matter with counsel for Respondent, and Respondent’s counsel maintains all matters cited in his client’s Designation of Matter is relevant. Appellant believes this assertion is misguided because Respondent does not

rely on the majority of the designated materials in his brief. He only relies on approximately 39 matters, which should constitute Respondent's Designation of Matter according to the South Carolina Appellate Court Rules.

Because Appellant is tasked with compiling the Record on Appeal, she must seek instruction from this Court. Appellant dislikes filing this motion but believes she is under a duty to do so as she is responsible for the submission of the Record on Appeal. Appellant does not want to violate any South Carolina Appellate Court Rules in compiling a voluminous Record on Appeal that as currently contemplated would constitute nearly 1,400 pages. Therefore, Appellant asks this Court to either strike Respondent's Designation of Matter or instruct him to amend his Designation of Matter so that it complies with the South Carolina Appellate Court Rules. Additionally, Appellant seeks fees and costs in connection with this motion.

**SOWELL & DuRANT, LLC**

s/Bess J. DuRant

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Bess J. DuRant (SC Bar No. 77920)

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Columbia, South Carolina 29201

803-722-1100

bdurant@sowelldurant.com

*Attorneys for Appellant Janet Mewshaw,  
individually and as Trustee*

Columbia, South Carolina  
December 29, 2022

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM YORK COUNTY  
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v.

Janet Mewshaw, individually and as Trustee,.....Appellant

# **Exhibit A**

## ***MOTION TO STRIKE RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED ON THE RECORD ON APPEAL***

### **Respondent's Designation of Matter**

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Nov 14 2022

SC Court of Appeals

The South Carolina Court of Appeals

APPEAL FROM YORK COUNTY

Daniel Dewitt Hall, Circuit Court Judge

Appellate Case No. 2022-000682

Philip Pringle, as the duly appointed Guardian ad Litem for Alex Pringle, Respondent,

Vs.

Janet Mewshaw, individually and as Trustee, Appellant.

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DESIGNATION OF MATTERS TO BE INCLUDED IN THE RECORD OF APPEAL

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Appellate proposes inclusion of the following in the Record on Appeal:

1. Entire Record on Appeal prepared for Civil Court

ORDERS:

- a. Order for Appointment Guardian ad Litem filed March 10, 2018
- b. Consent Order filed July 23, 2018
- c. Order from Motion to Amend, to Quash Subpoena, and to Remove Trustee held on February 5, 2019, filed February 18, 2019
- d. Trial Order filed December 6, 2019
- e. Order Granting Motion to Remand Case January 27, 2021
- f. Order of Circuit Court December 6, 2019
- g. Order of April 6, 2022
- h. Order of Probate Court September 15, 2021 (hearing) and filed November 23, 2021

PLEADINGS:

- a. Summons and Complaint filed May 10, 2018
- b. Answer dated June 14, 2018
- c. Amended Complaint filed March 5, 2019
- d. Answer to Amended Complaint (styled as Amended Answer) dated April 2, 2019

MOTIONS:

- a. Motion to Appoint Guardian ad Litem filed May 10, 2018
- b. Motion to Remove Trustee filed December 12, 2018
- c. Motion to Amend Complaint dated December 19, 2018
- d. Return to Motion to Remove Trustee filed February 5, 2019
- e. Return to Motion to Amend Complaint February 5, 2019
- f. Affidavit of Janet Mewshaw January 24, 2019 attached to Return to Motion to Amend
- g. Motion to Remand Case to Trial Judge in and attachments
- h. Motion to Continue with Appeal of Probate Court Order
- i.

TRIAL:

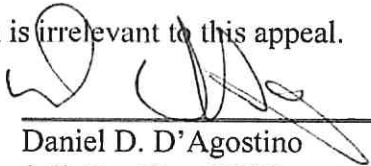
- a. Plaintiff's Opening Statement
- b. Philip Pringle Direct Examination by Mr. D'Agostino
- c. Philip Pringle Cross Examination by Mr. Honeycutt
- d. Philip Pringle Reexamination by Mr. D'Agostino
- e. Janet Mewshaw Direct Examination by Mr. D'Agostino
- f. Janet Mewshaw Cross Examination by Mr. Honeycutt
- g. Janet Mewshaw Reexamination by Mr. D'Agostino
- h. Janet Mewshaw Examination by the Court
- i. Charlene Controne Direct Examination by Mr. D'Agostino
- j. Charlene Controne Cross Examination by Mr. Honeycutt
- k. Charlene Controne Redirect Examination by Mr. D'Agostino
- l. Charlene Controne Examination by the Court
- m. Dan D'Agostino Examination by the Court
- n. Elizabeth Robinson Direct Examination by Mr. Honeycutt
- o. Elizabeth Robinson Cross Examination by Mr. D'Agostino
- p. Brent Cannon Direct Examination by Mr. Honeycutt
- q. Brent Cannon Cross Examination by Mr. D'Agostino

TRIAL EXHIBITS:

- a. Petitioner Trial Exhibit 1
- b. Petitioner Trial Exhibit 2
- c. Petitioner Trial Exhibit 3
- d. Petitioner Trial Exhibit 4
- e. Petitioner Trial Exhibit 5
- f. Petitioner Trial Exhibit 6
- g. Petitioner Trial Exhibit 7
- h. Petitioner Trial Exhibit 8
- i. Petitioner Trial Exhibit 9
- j. Petitioner Trial Exhibit 10
- k. Petitioner Trial Exhibit 11
- l. Petitioner Trial Exhibit 12
- m. Respondent Trial Exhibit 1
- n. Respondent Trial Exhibit 2

- o. Respondent Trial Exhibit 3
  - p. Respondent Trial Exhibit 4
  - q. Respondent Trial Exhibit 6
  - r. Deposition Testimony of Michael Steve Blevins submitted at trial
  - s. Deposition Exhibits to Deposition of Michael Steve Blevins bates numbered  
MLPF&S\_Pringle 0001-000016, MLPF&S\_Pringle 000061-000082;  
MLPF&S\_Pringle 000281-000298; MLPF&S\_Pringle 000365-000378,  
MLPF&S\_Pringle 000653-000661; MLPF&S\_Pringle 000662-000683;  
MLPF&S\_Pringle 000726-000751; MLPF&S\_Pringle 000904-000923;  
MLPF&S\_Pringle 000924-000927; MLPF&S\_Pringle 000980-001001;  
MLPF&S\_Pringle 001002-001019; MLPF&S\_Pringle 001202-001213;  
MLPF&S\_Pringle 001223-001238; MLPF&S\_Pringle 001449-1462;  
MLPF&S\_Pringle 001322 and MLPF&S\_Pringle 001463
  - t. Plaintiff Attorney Fee Affidavit
  - u. Agreement dated February 28, 2019 (York County Family Court Case No. 2017-DR-46-2056)
2. Deposition of Stephen Lang from July 23, 2021 pp 1-81.
  3. Deposition Exhibits of Stephen Lang bates numbered  
MLPF&S\_Pringle 1379; MLPF&S\_Pringle 1466; MLPF&S\_Pringle 1467;  
MLPF&S\_Pringle 1468; MLPF&S\_Pringle 1469; MLPF&S\_Pringle 1470;  
MLPF&S\_Pringle 1471; MLPF&S\_Pringle 1496; MLPF&S\_Pringle 1497  
MLPF&S\_Pringle 1517; MLPF&S\_Pringle 1518; MLPF&S\_Pringle 1519;  
MLPF&S\_Pringle 1523; MLPF&S\_Pringle 1525; MLPF&S\_Pringle 1526;  
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MLPF&S\_Pringle 1634; MLPF&S\_Pringle 1635; MLPF&S\_Pringle 1636;  
MLPF&S\_Pringle 3444-3452; MLPF&S\_Pringle 3461; MLPF&S\_Pringle 6498;  
MLPF&S\_Pringle 6499; MLPF&S\_Pringle 6501 to 6504;  
MLPF&S\_Pringle 6548; MLPF&S\_Pringle 6549; MLPF&S\_Pringle 6599;  
MLPF&S\_Pringle 6600; MLPF&S\_Pringle 6601; MLPF&S\_Pringle 6602;  
MLPF&S\_Pringle 6603-6617; MLPF&S\_Pringle 6627; MLPF&S\_Pringle 6628;  
MLPF&S\_Pringle 6634
  4. Transcript of April 22, 2022 hearing
  5. Transcript of January 19, 2021 hearing

I certify that this designation contains no matter which is irrelevant to this appeal.



Daniel D. D'Agostino  
S.C. Bar No.: 65088  
D'Agostino Law Firm  
25 West Liberty Street  
York, South Carolina 29745  
[dan@ddllplaw.com](mailto:dan@ddllplaw.com)  
Office: 803-628-6509  
Fax: 803-628-7990  
Attorney for Respondent

November 14, 2022

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**SC Court of Appeals**

**The South Carolina Court of Appeals**

APPEAL FROM YORK COUNTY

Daniel Dewitt Hall, Circuit Court Judge

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Philip Pringle, as the duly appointed Guardian ad Litem for Alex Pringle,

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Vs.

Janet Mewshaw, individually and as Trustee,

Appellant.

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PROOF OF SERVICE

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I certify that I have served this Designation of Matters to be Included in the Record on Appeal and Initial Brief of Respondent on the following attorney at the following email address on this 14<sup>th</sup> day of November, 2022:

Bess J. DuRant  
Attorney for Appellant  
[bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com)

November 14, 2022

/s/ Daniel D. D'Agostino  
Daniel D. D'Agostino  
Jacqueline N. Davis  
D'AGOSTINO LAW FIRM  
25 West Liberty Street  
York, South Carolina 29745  
dan@ddlplaw.com  
Office: 803-628-6509  
Fax: 803-628-7990  
**ATTORNEY FOR RESPONDENT**



Daniel D. D'Agostino | Jacqueline N. Davis

25 West Liberty Street  
York, South Carolina 29745

Phone 803.628.6509 | Fax 803.628.7990  
www.dagostinolawyers.com

November 14, 2022

**RECEIVED**

**Nov 14 2022**

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Philip Pringle, as the duly appointed Guardian ad Litem for Alex Pringle, Respondent vs. Janet Mewshaw, individually and as Trustee, Appellant  
Case No.: 2022-000682

Dear Ms. Kitchings:

Attached please find the Designation of Matters to be Included in the Record of Appeal, Initial Brief of Respondent, and Proof of Service to be filed in the above referenced matter.

With kind regards, I am

Sincerely,

Daniel D. D'Agostino

Attachments  
DDD/dlb

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM YORK COUNTY  
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# **Exhibit B**

## ***MOTION TO STRIKE RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED ON THE RECORD ON APPEAL***

**Copy of the designation with yellow highlighted  
matters that are not included in the Initial Brief of  
Respondent**

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM YORK COUNTY

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## TRIAL:

- a. Plaintiffs Opening Statement
- b. Philip Pringle Direct Examination by Mr. D'Agostino
- c. Philip Pringle Cross Examination by Mr. Honeycutt
- d. Philip Pringle Reexamination by Mr. D'Agostino
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 MLPF&S\_Pringle 001002-001019; MLPF&S\_Pringle 001202-001213;  
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 Pringle 6603-6617; MLPF&S\_Pringle 6627; MLPF&S\_Pringle 6628; MLPF&S  
 Pringle 6634

- 4. Transcript of April 22, 2022 hearing
- 5. Transcript of January 19, 2021 hearing

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**SC Court of Appeals**

Philip Pringle, as the duly appointed Gurdian ad Litem for Alex Pringle,.....Respondent

v.

Janet Mewshaw, individually and as Trustee,.....Appellant

---

**PROOF OF SERVICE**

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The undersigned certifies that this 29<sup>th</sup> day of December, 2022, she caused to be served a copy of the **MOTION TO STRIKE RESPONDENT’S DESIGNATION OF MATTER TO BE INCLUDED ON THE RECORD ON APPEAL** via electronic mail addressed to counsel of record:

Dan D’Agostino, Esquire  
25 W. Liberty Street  
York, SC 29745  
dan@ddlplaw.com

*Attorney for Petitioner Philip Pringle, as GAL*

Columbia, South Carolina  
December 29, 2022

s/Bess J. DuRant  
Bess J. DuRant

---

## Amy Kelly

---

**From:** Amy Kelly  
**Sent:** Thursday, December 29, 2022 2:19 PM  
**To:** 'Daniel D'Agostino (dan@ddllplaw.com)'; 'Duree Burnett'  
**Cc:** Bess DuRant  
**Subject:** Philip Pringle, Respondent v. Janet Mewshaw, Appellant- Appellate Case No. 2022-000682  
**Attachments:** Motion to Strike Respondent's Designation of Matter.pdf; Ex A- Motion to Strike.pdf; Ex B- Motion to Strike.pdf; Proof of Service- Motion to Strike.pdf

Dan,

Attached for service upon you in the above matter is the Motion to Strike Designation of Matter, the Exhibits A and B referenced in the Motion and the Proof of Service. Service is made via email pursuant to the Supreme Court Order 2021-08-25-02 as amended May 6, 2022.

Thanks  
Amy

Amy A. Kelly  
*Director of Administration/Paralegal, SOWELL + DuRANT*

1325 Park Street, Suite 100  
Columbia, SC 29201

803.722.1100 | [sowelldurant.com](http://sowelldurant.com)

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