

The South Carolina Court of Appeals

APPEAL FROM YORK COUNTY

Daniel Dewitt Hall, Circuit Court Judge

Appellate Case No. 2022-000682

RECEIVED

Jan 25 2023

SC Court of Appeals

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

Respondent,

Vs.

Janet Mewshaw, individually and as Trustee,

Appellant.

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

They Respondent objects to the Motion to Strike Respondent's Designation of Matter to be included on the record on appeal. The Appellant argues that the Standard of Review of the issues in this case is de novo. Respondent, in his Brief, agrees that some of the issues are reviewed de novo. In addition, this is an appeal from Probate Court. The case was originally appealed to the Circuit Court. This is an appeal from the Circuit Court's decision to uphold the Trial Court's decision. The Appellant prepared the record and provided the Circuit Court with this entire record for review. Although Respondent may not reference every page in every document submitted, the record is referenced as relevant for the court's understanding of the issues. In a de novo review, the Appellate Court can and as the Appellant argues, does review the entire record. To merely allow only portions of the transcripts and portions of the record will not give this court the ability to properly review the entire record.

As it relates to quantifying the number of documents and asserting that Respondent only references 39%, that statement is misleading. Numerous documents include the statements from the accounts which show the monies which were originally invested and whereas were subsequently taken by the Appellant. Each bank statement consists of numerous pages. The first paragraph in this motion includes each page number as a separate document when the page numbers include a bank statement. For instance, pages 1466 through 1471 is a bank statement for a month but the Appellant is referring to and counting each page as a separate document. As it relates to the transcript, Respondent submits that the examinations of witnesses is relevant if the court is going to conduct a de novo review. Respondent included all of this information for the Circuit Court. Respondent submits that it would be inevitable to strike Respondent's Designation of Matters and also would be improper to require him to reduce the Designation of Matters when this court is going to conduct a de novo review.

/s/ Daniel D. D'Agostino
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Attorney for Respondent

I certify that I have served this Reply to Motion to Strike Respondent's Designation of Matter to be included on the Record on Appeal on the following attorney at the following email address on this 24th day of January, 2023:

Bess J. DuRant
Attorney for Appellant
bdurant@sowelldurant.com

January 25, 2023

/s/ Daniel D. D'Agostino
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FROM Duree Burnett (duree@ddllplaw.com)

Today at 10:54 AM

TO bdurant@sowelldurant.com

CC dan@ddllplaw.com

BCC

Philip Pringle vs. Janet Mewshaw, Appellate Case No.: 2022-000682

Attached is a copy of the Reply to Motion to Strike Respondent's Designation of Matter to be included on the Record on Appeal, along with a Proof of Service, that we are filing with the court today.

Duree L. Burnett

Paralegal to Daniel D'Agostino

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