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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM ANDERSON COUNTY  
COURT OF COMMON PLEAS

J. Cordell Maddox, Circuit Court Judge

Case No.: 2019-CP-04-01212

Glenn Mechanical.....Appellant.

v.

Sihierh Smith.....Respondent.

MOTION TO STRIKE AND AMEND RESPONDENT'S INITIAL BRIEF

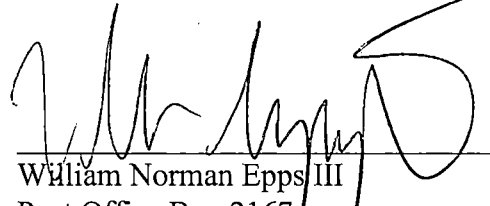
Comes now the undersigned attorney, William N. Epps III, hereby moves for an order striking portions of respondent's initial brief and designation of matter on the grounds that they contain matters not presented to the trial court or considered by the trial court at the summary judgment hearing in this case. Specifically, appellant requests to strike respondent's designation of matter to be included in the record on appeal, number 14, 15, 16, 17, 18 and 19 that address the deposition of John Glenn, which was not before the trial court at the motion hearing. Also, number 23, the statement from respondent, Sihierh Smith, likewise was not before the trial court at the motion hearing. The deposition of John Glenn and statement of respondent, Sihierh Smith were not considered by the trial court at anytime in rendering a decision on respondent's motion for summary judgment.

In addition, respondent's brief at page 4, first full paragraph, appears to reference this statement with no citation, and was not before the trial court. Respondent's brief at the bottom of page 5 to page 7, reference John Glenn's deposition, which again was not before the trial court at the motion hearing. Respondent's brief at page 12, first paragraph reference John Glenn's deposition testimony and there was no testimony or evidence before the trial court that Respondent's boyfriend was abusive as stated on page 12.

Therefore, the undersigned attorney, William N. Epps III, respectfully requests that this Court issue an order striking respondent's designation of matter to be included in the record on appeal, number 14, 15, 16, 17, 18 and 19 that address the deposition of John Glenn and number 23, the statement from respondent, Sihierh Smith that were not before the trial court at the motion hearing and not considered by the trial court in rendering its decision on summary judgment. That further, any portion of respondent's brief that references the deposition and/or statement should be stricken as well. These matters by not being considered by the trial court are irrelevant and should not be designated to be included in the record on appeal. Rule 209 SCACR. That respondent should be ordered to amend her initial brief, excluding all references to the deposition of John Glenn and statement from respondent, Sihierh Smith.

This Motion is made pursuant to Rule 240, SCACR. I have communicated with counsel for the respondent prior to filing this motion.

February 10, 2023



William Norman Epps III  
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(864) 224-2111  
Attorney for Appellant

Other Counsel of Record:

Other Counsel of Record:  
James W. Logan, Jr.  
PO Box 259  
Anderson, SC 29622  
864-226-1910 (phone)  
Attorney for Respondent

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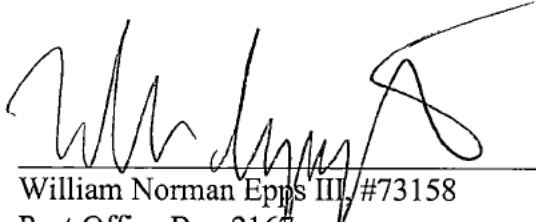
Glenn Mechanical.....Appellant.

v.

Sihierh Smith.....Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Strike and Amend Respondent's Initial Brief on Sihierh Smith by depositing a copy of it in the United States Mail, postage prepaid, on February 10, 2023, addressed to its attorney of record, James W. Logan, Jr., Post Office Box 259, Anderson, South Carolina 29622.

  
William Norman Epps III, #73158  
Post Office Box 2167  
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(864) 224-3536, fax  
Attorney for Appellant

February 10, 2023



P.O. Box 2167  
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Anderson, SC 29622

William N. Epps, III  
William N. Epps, Jr.

February 10, 2023

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Glenn Mechanical v. Sihierh Smith  
Case No.: 2019-CP-04-01212  
Appellate Case No.: 2022-001357  
File No.: M19-5495

Dear Ms. Kitchings:

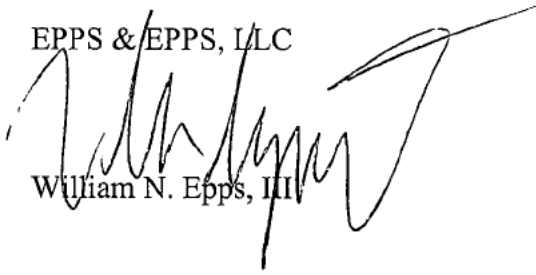
Please find enclosed for filing the original Motion to Strike and Amend Respondent's Initial Brief, along with six (6) copies, and the \$50.00 filing fee, in regards to the above referenced matter.

If you should have any questions or concerns, please do not hesitate to contact me at your earliest convenience. Thank you.

With kind regards, I am



Sincerely yours,

EPPS & EPPS, LLC

  
William N. Epps, III

WNEIII:edb

Enclosures  
Other Counsel of Record:  
James W. Logan, Jr.  
PO Box 259  
Anderson, SC 29622

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