

# The South Carolina Court of Appeals

Shelby Trehus, Plaintiff,

v.

Santee Run Apartments, a South Carolina Corporation,  
and Shelly Jean Colley, Defendants,

And

Kayden M., a Minor, By His Guardian Ad Litem Shelby  
Trehus, Plaintiff,

v.

Santee Run Apartments, A South Carolina Corporation  
and Shelly Jean Colley, Defendants,

Of Whom Shelby Trehus and Kayden M., a Minor, By  
His Guardian Ad Litem Shelby Trehus, are the  
Appellants,

And

Santee Run Apartments, A South Carolina Corporation is  
the Respondent.

Appellate Case No. 2022-000927

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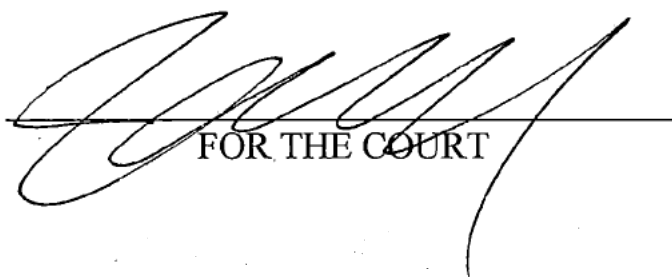
ORDER

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On November 1, 2022, this court granted Respondent's first motion to strike. On December 2, 2022, Appellants filed an amended initial brief and designation of matter. Respondent has now filed a second motion to strike, arguing the amended initial brief still includes portions of the depositions of Shelby Trehus and Dr.

Timothy Brewerton which were not presented below. Respondent also seeks sanctions.

After careful consideration, Respondent's motion to strike is granted in part. Appellants' amended initial brief and designation of matter are stricken. Within thirty days of the date of this order, Appellant shall serve and file a second amended initial brief and designation of matters that shall not include references to the matters not presented to the court below. The record on appeal shall not contain matters not presented to the court below. *See* Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."). Failure to comply will result in dismissal of this appeal. Respondent's request for sanctions is denied.



FOR THE COURT

Columbia, South Carolina

cc:

Thomas S. Tisdale, Jr., Esquire  
Salvatore Giancarlo Davi, Esquire  
Shawn M. Bevans, Esquire  
Helen F Hiser, Esquire

**FILED**  
**Feb 15 2023**