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May 25 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Circuit Court

G.D. Morgan, Jr., Circuit Court Judge

Case No. 2020-CP-23-01450

Michael Gene Putnam.....Appellant,

v.

Robert Henry Purkerson.....Respondent.

MOTION TO EXCLUDE AND OBJECTIONS TO
MATTERS DESIGNATED FOR INCLUSION IN THE
RECORD ON APPEAL

Pursuant to Rule 209, SCACR, Respondent objects to inclusion of the following of Appellant’s designations of matter for inclusion in the Record on Appeal and respectfully moves the Court for their exclusion.

9. Notice of Appeal dated January 8, 2020- Other appeals are not relevant to this appeal. Appellant is limited to issues raised in this Notice of Appeal.

10. Appellant’s Motion for Reconsideration dated August 29, 2022- This is duplicative of Appellant’s designation #7.

11. Appellant’s Brief in Response to Purkerson’s Motion for Summary Judgment- This is duplicative of Appellant’s designation # 20.

12. Appellant’s Summons and Complaint.- This is no longer relevant and has been superseded by Appellant’s Amended Summons and Complaint.

14-15. Appellant’s Original and Amended Summons and Complaint from Federal Court case- The now dismissed federal court case is irrelevant to and has no bearing on this state court appeal.

17. Deposition Transcript of Lyn Maples. Ms. Maples was dismissed as a co-defendant by a prior order. Her deposition testimony is not relevant to Respondent Purkerson's motion for summary judgment or to the issues on appeal.

21. Maples May 3, 2021 filing of her responses to requests to produce.- This is duplicative of Appellant's designation #24.

24. Maples May 3, 2021 filing of her Responses to Plaintiff's Requests to Produce on the public index.- This is not relevant to Respondent Purkerson's motion for summary judgment and the issues on appeal.

34. All relevant pleadings and filings from the Federal District Court case and this State Court case. – This is overbroad. Rule 209(a), SCACR requires the party's Designation to "set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal." The purpose of the Designation is to fairly apprise the other parties what Appellant intends to include. To allow a catch-all designation of "all relevant pleadings and filings" to be determined at a later date subverts this purpose. Respondent also objects that any filings from the federal court case are not relevant to this state court appeal.



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PROOF OF SERVICE

I certify that I have served a copy of the Motion to Exclude and Objections to Matters Designated for Inclusion in the Record On Appeal to be included in the Record on Appeal on T. Jeff Goodwin, Jr., counsel for Appellant, at 2309 Devine Street, Columbia, South Carolina 29205, by depositing a copy of the same in the U.S. Mail and via email to jgoodwyn@goodwynlaw.com on May 24, 2023.

WILLSON JONES CARTER & BAXLEY

Jennifer Miller, paralegal to
Wesley J. Shull
325 Rocky Slope Road, Suite 201
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May 24, 2023