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Sep 14 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Circuit Court

H. Steven DeBerry, IV, Circuit Court Judge

Trial Court Case No. 2023-CP-10-00112  
Appellate Case No. 2023-000751

In the Matter of: The Estate of Juleanne Judy Bryan

Margaret Elaine Chapman, .....Appellant,

v.

Grady W. DuBose, Wilson Wade Judy and Marvin Lee Judy, III ..... Respondents

**MOTION TO STRIKE PORTIONS OF INITIAL BRIEF AND DESIGNATION OF  
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL AND TO HOLD IN  
ABEYANCE AND/ OR FOR AN EXTENSION OF TIME UNTIL THIS MOTION IS  
RESOLVED AND ANY AMENDED BRIEF AND DESIGNATION IS FILED**

Pursuant to Rule 210(c), SCACR, Respondents hereby move to strike portions of the designation of matter to be included in the record on appeal (“designation”) and initial brief of Appellant (“initial brief”). This matter is an appeal from an order of the circuit court dismissing a probate court appeal.

Pursuant to Rule 210(c), SCACR, a record on appeal shall not “contain matter which was not presented to the lower court or tribunal.” *See* Jean H. Toal et al., *Appellate Practice in South Carolina* 131 (2d ed. 2002). If a party designates matter in violation of this rule, the appropriate course of action for the opposing party is to file a motion to strike. *Id.* at 261.

The designation includes and the initial brief cites numerous materials that were not before the circuit court. These include the items numbered 2, 4-8, and 10-12 in the designation. Prior to filing this motion, counsel for Respondents attempted to resolve this matter with counsel for the Appellant to no avail. Respondents seek to strike all of the listed items from the designation, together with any corresponding references in the initial brief.

In the meantime, Respondents ask that this appeal be held in abeyance and/ or that their deadlines for filing an initial brief and designation be extended until thirty days after the resolution of this motion and the filing of any amended brief and designation by the Appellant.

Respectfully submitted,

*s/ Sarah P. Spruill*

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*s/ Daniel S. Slotchiver*

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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLETON COUNTY  
Circuit Court

H. Steven DeBerry, IV, Family Court Judge

Trial Court Case No. 2023-CP-10-00112  
Appellate Case No. 2023-000751

In the Matter of: The Estate of Juleanne Judy Bryan

Margaret Elaine Chapman, .....Appellant,

v.

Grady W. DuBose, Wilson Wade Judy and Marvin Lee Judy, III ..... Respondents

**PROOF OF SERVICE**

I certify that I have served the *Motion to Strike Portions of Initial Brief and Designation of Matter to be Included in the Record on Appeal and to Hold in Abeyance and/or for an Extension of Time Until this Motion is Resolved and Any Amended Brief and Designation is Filed* on counsel of record on September 14, 2023, by electronic mail only to the following:

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*Stacey Carberry*

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September 14, 2023

**VIA EMAIL AND U.S. MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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**Sep 14 2023**

**SC Court of Appeals**

Re: *In the Matter of: The Estate of Juleanne Judy Bryan  
Margaret Elaine Chapman v. Grady W. DuBose, Wilson Wade Judy  
and Marvin Lee Judy, III*  
Appellate Case No. 2023-000751

Dear Ms. Kitchings:

Respondents hereby enclose for filing the *Motion to Strike Portions of Initial Brief and Designation of Matter to be Included in the Record on Appeal and to Hold in Abeyance and/or for an Extension of Time Until this Motion is Resolved and Any Amended Brief and Designation is Filed*, together with our Proof of Service for the same. Also enclosed is our firm's check to cover the cost of the filing fee (w/ mailed copy).

Please note service on counsel of record by copy of this letter. If you have any questions, please give me a call. Thank you for your assistance in this matter.

Sincerely,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac  
Enclosures

cc: Johnny E. Watson ([jewatson.lwr@gmail.com](mailto:jewatson.lwr@gmail.com))  
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