

The South Carolina Court of Appeals

Deutsche Bank Trust Company Americas As Trustee for
RALI2007QS8 RALI2007QS, H. Guy Gantt, as
Intervener, Respondents,

v.

Janice Cross, South Carolina National Bank, N.A.,
Defendants,

Of whom Janice Cross is the Appellant.

Appellate Case No. 2011-197766

ORDER

Several motions have been filed in this case. First, Respondent Deutsche Bank has filed a motion to stay the time for filing its final brief until this court rules on its motions to strike, which is granted.

Second, Respondent has filed two motions to strike regarding the record on appeal and Appellant's supplemental "Appendix" to the record. After careful consideration of all the parties' filings, Respondent's motion to strike portions of the record on appeal and the supplemental "Appendix" are granted. Within twenty days, Appellant shall serve and file an amended record on appeal that (1) includes all matter designated by both parties for inclusion in the record on appeal,¹ and (2)

¹ Specifically, the record on appeal as served fails to include (1) the June 21, 2010 Memorandum of Law in Opposition to Defendant's Motion to Dismiss; (2) Cross Notice Regarding the Memorandum of Law in Support of the Motion to Dismiss; (3) Transcript of November 10, 2010 trial; (4) January 11, 2011 record of hearing; (5) January 18, 2011 order denying motion to dismiss; (6) verified complaint-emergency request for injunctive relief and temporary restraining order; (7) April 12, 2011 stipulation and consent to the issuance of a consent order and accompanying consent order; (8) the designated portions of the transcript of

omits any matter not presented to the lower court.² Additionally, the record shall not contain the "80 or so pages" containing the "Appendix" that was not a part of the record initially served on Respondent.

Third, Appellant has filed a petition requesting this court to accept her final brief and the record on appeal out of time and as submitted. Appellant's request to accept her final brief and the record on appeal out of time is granted; however, the request to accept it as submitted is denied. As described above, Appellant must serve and file an amended record on appeal that includes all matters designated by both parties and omits any matter not presented to the lower court. Appellant's final brief must not contain references to matters not presented to the lower court. Appellant also requested leave "to add back the last 80 or so pages" of the record on appeal that were labeled "Appendix," which this court denies.

Fourth, Appellant filed a petition to accept out of time her return to Respondent's motion to strike the "Appendix." This court did not receive an actual return; however, Appellant argues the merits of the return in the petition. Accordingly, to the extent the return is contained in the petition, the motion to accept the return out of time is granted.


FOR THE COURT

Columbia, South Carolina

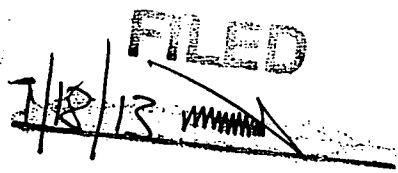
cc:

Janice Cross

Henry H. Taylor

Mark Steven Wierman

Ronald Lesley Blankenship



deposition of Juan Antonio Aguirre; (9) the designated portions of the transcript of November 10, 2010 hearing on motion to dismiss; and (10) designated portions of the August 1, 2011 hearing transcript.

² Specifically, the record on appeal shall not include the (1) proof of \$25 billion mortgage settlement; (2) excerpts from verified statement IN RE: the writ of supersedeas; and (3) proofs of insufficiency of process.