

The South Carolina Court of Appeals

City of Columbia, Respondent,

v.

Marie-Therese Assa'ad-Faltas, Appellant.

Appellate Case No. 2022-000339

ORDER

This appeal arises out of a motion for new trial filed in the magistrate's court in 2013. Appellant filed 6 volumes of a 7-volume record on appeal on October 11, 2023. She filed Volume II along with a motion to allow late filing of Volume II on October 16, 2023.

On October 19, 2023, this Court issued a letter detailing three deficiencies in Appellant's record on appeal. First, we noted the documents are improperly paginated. The numbering in Appellant's record starts over with each volume of the record on appeal. Pursuant to Rule 210(c) of the South Carolina Appellate Court Rules (SCACR) "[e]ach page of the Record on Appeal shall be numbered consecutively beginning with the index." Second, the record on appeal did not contain an index. *See* Rule 210(e), SCACR ("Every Record on Appeal shall contain an index to the principal matters therein . . ."). Third, the volumes were split into a variety of sizes. Rule 267(c)-(d), SCACR provides the record on appeal should not exceed 250 pages, but if the size of the record exceeds 100 pages, copy must be typed and reproduced on both sides of the paper. In other words, the records should be divided into volumes containing 500 pages of double-sided material.

To date, Appellant has not cured the first or third deficiency. She included an index with the late-filed Volume II; however, this index will need to be revised upon correction of the other two deficiencies. Furthermore, as stated in our

October 19, 2023 letter, we will not consider the motion to accept Volume II out-of-time until all deficiencies for the record on appeal have been corrected.

Although the Supreme Court has issued numerous orders restricting Appellant's ability to file in the courts of this state, she continues to burden this Court with filings. See *In the Matter of Marie Assa'ad-Faltas*, S.C. Sup. Ct. Order dated June 10, 2022. On October 20, she filed a motion to strike the respondent's brief, to strike the October 19, 2023 deficiency letter, and to elevate the spirit of the law over form. On October 27, she filed a supplement to her October 20 motion suggesting an alternative reading of the SCACR. On November 6, she filed a motion to defer filing the bound copy of her 7-volume record on appeal and to clarify whether she is required to serve a bound copy to the respondent.

After consideration of all of Appellant's arguments, the motion to strike the respondent's brief is denied. The motion to strike the October 19, 2023 deficiency letter is denied. The motion to elevate the spirit of the law over form is denied. The motion to hold the time for filing bound copies in abeyance is denied, although I note Appellant is not required to provide a bound copy to the respondent. I reject Appellant's alternative reading of the SCACR and reiterate that she must correct all three deficiencies with her record on appeal as articulated above within 10 days of the date of this order or her appeal will be dismissed.


_____, C.J.
FOR THE COURT

Columbia, South Carolina

cc:
Marie Assa'ad-Faltas
Jocelyn Y. Baker, Esquire

FILED
Nov 08 2023