

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
**Jan 17 2024**  
SC Court of Appeals

APPEAL FROM ALLENDALE COUNTY  
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case Number: 2023-001281

Marcus Riley, ..... Appellant,

v.

Dorothy Riley, individually and Dorothy Riley in her role as Personal Representative of  
the Estate of Marion F. Riley, Jr..... Respondent.

MOTION TO STRIKE FILINGS

(AS TO FINAL BRIEF OF APPELLANT AND SUPPLEMENTAL DESIGNATION OF  
MATTER)

On October 11, 2023, Appellant filed his Designation of Matter, along with his initial  
brief.

On December 11, 2023, Respondent filed her Designation of Matter, along with her  
initial responsive brief. Appellant did not file a Reply Brief.

On January 3, 2024, Appellant filed a document purporting to be the Record on Appeal.  
The documents provided do not comport with Rule 210, SCACR.

Regarding the Record of Appeal, there are serious deficiencies. First, the Record does not  
contain the documents identified by Respondent. Second, Appellant filed an untimely

supplemental Designation of Matter with the Final Record on Appeal. Those items identified in the untimely supplemental Designation of Matter are included in the Final Record on Appeal. Third, the Record on Appeal is not paginated, contains no index, is not ordered properly, and includes matter that was not designated by either party. Further, there is matter included in the Record on Appeal that was not made a part of the record of the trial court. (This matter was not designated in the first instance.)

On January 3, 2024, Appellant also filed a document purporting to be his Final Brief, along with a certificate of compliance with Rule 211(b), SCACR. This Final Brief is an entirely different brief, which bears no resemblance to the Initial Brief. Appellant did not comply with Rule 211(b), SCACR.

For these reasons, Respondent respectfully requests the Court strike from the record of this case Appellant's Second (untimely) Designation of Matter, which was filed for the first time with the Record on Appeal, and Appellant's Final Brief, which is an entirely different brief, which does not comport with Rule 211(b), SCACR.

This motion is based on Rules 210 and 211, SCACR, and the January 11, 2024 Filings of Appellant in this case. Respondent also craves reference to her Motion to Reform the Record on Appeal, being filed simultaneously herewith.

January 17, 2024  
Bamberg, South Carolina

Respectfully Submitted,

*s/ Alison Dennis Hood*

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