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**Jan 24 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

H. Steven DeBerry, Circuit Court Judge

Civil Action No.: 2022-CP-26-05492

Appellate Case No.: 2023-001580

Rose Bernard, .....Appellant,

v.

Lucas Green; Aperture Investigations, ..... Respondents.

**RESPONDENTS’ REPLY TO APPELLANT’S MOTION IN OPPOSITION  
TO MOTION TO STRIKE FINAL BRIEF AND RECORD ON APPEAL  
AND RENEWED MOTION TO STRIKE AS TO APPELLANT’S FILING OF ADDITIONAL  
RECORD ON APPEAL**

Appellant’s Motion in Opposition to Respondent’s Motion to Strike Appellant’s Final Brief and the Record on Appeal makes no actual argument as to why either of these documents should not be stricken from the record. It is clear that Appellant has made no effort to discern the differences between her Initial Brief and her Final Brief. Respondents are not arguing about the typographical error on the date of the hearing. Respondents are objecting to specific words and/or phrases that have been inserted into and/or omitted from the Appellant’s Final Brief which were

not in her Initial Brief. Counsel for Respondents was required to read both of Appellant's Brief side-by-side, in-depth to determine whether or not there were changes to the Initial Brief and did find changes on the four (4) pages set forth in Respondents' Motion to Strike.

Appellant remarks that her changes did not change the substance of the Brief. Respondent disagrees and asserts that some, if not all, of her statements did, in fact, change the substance of her Initial Brief. Regardless, Appellant's Final Brief contains words and/or phrases that were not contained in her Initial Brief and/or removes words that were contained in her Initial Brief, in direct contravention to the South Carolina Rules of Appellate Court. These Rules are clear: the only changes which are allowed in the Final Brief are additions or substitutions which refer to the Record on Appeal and corrections of typographical errors which correct spelling and/or punctuation.

Respondent would further assert that pursuant to South Carolina caselaw, a layman will not be held to a lesser standard as an attorney (*McCall v. A-T-O, Inc.*, 276 S.C. 143, 276 S.E.2d 529 (S.C. 1981)). Further, pro se parties are required to comply with the substantive and procedural requirements of the law. *State v. Burton*, 356 S.C. 259, 589 S.E.2d 6 (2003). Therefore, Appellant is required to comply with the South Carolina Appellate Court Rules.

Further, as to the Record on Appeal, Respondents specifically object and oppose to Appellant's filing of an additional, "amended" Record on Appeal (entitled "Record on Appeal") without leave of this Honorable Court to do so and prior to this Court's ruling on Respondents' Motion to Strike and, as a result, renew and continue their Motion to Strike as to the "amended" Record on Appeal. The pages of the "amended" Record on Appeal are still not consecutively numbered, and the Table of Contents/Index and the second index are still confusing and extremely

difficult to understand and prejudice Respondents in that they would be unable to properly reference the Record on Appeal in their Final Brief.

As a result of the foregoing, Appellant's Final Brief and both versions of the Record on Appeal should be stricken.

McCUTCHEM VAUGHT GEDDIE &  
HUCKS, P.A.

s/ Luther O. McCutchen, III

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Attorneys for Respondent

January 24, 2024

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PROOF OF SERVICE

The undersigned certifies that he has served Respondents' Reply to Appellant's Motion in Opposition to Motion to Strike Final Brief and Record on Appeal and Renewed Motion to Strike as to Appellant's Filing of Additional Record on Appeal upon Rose Bernard, pro se Appellant, via email to b4ornot@gmail.com, this 24<sup>th</sup> day of January, 2024, pursuant to Rule 262 and the South Carolina Supreme Court's Order as amended May 6, 2022.

McCUTCHEM VAUGHT GEDDIE &  
HUCKS, P.A.

s/ Luther O. McCutchen, III

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## Rose Bernard v. Lucas Green (2023-001580)

From: jgr@lawyersatthebeach.com

Sent: Wed, Jan 24, 2024 at 4:43 pm

To: Rose Bernard

Cc: Luther McCutchen

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[Reply to Appellant's Motion in Opposition to Motion to Strike.pdf](#) (98.4 KB)

[POS - Reply to Opp Mo Strike.pdf](#) (85.8 KB) – **Download all**

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Ms. Bernard:

Attached hereto and served upon you are the following related to the above matter:

- 1) Respondents' Reply to Appellant's Motion in Opposition to Motion to Strike Final Brief and Record on Appeal and Renewed Motion to Strike as to Appellant's Filing of Additional Record on Appeal; and
- 2) Proof of Service.

Jennifer G. Reynolds

Legal Assistant

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