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Mar 13 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G. D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2023-001497

Ronald Carl Cox, III Appellant

v.

Michael John Dimaggio Respondent.

**MOTION TO EXCLUDE CERTAIN MATTER DESIGNATED BY APPELLANT
FROM THE RECORD OF APPEAL**

The Respondent hereby moves to exclude certain material designated by the Appellant from consideration in this Appeal. The basis for the same is that the following items designated by the Appellant were never submitted to the lower Court for consideration either at the time of hearing on July 23, 2023 on Respondent’s Motion to Dismiss or subsequent to that hearing when the Court allowed additional submissions.

In particular, the respondent moves to exclude items designated by the Appellant as:

4. Email correspondence between the Appellant’s counsel’s staff and Judge Letitia Verdin and her staff and her staff regarding Motion for Publication from September 15, 2022 with five (5) attachments.

1. Affidavit of Lauren Lipscomb produce on September 14, 2022, ¹

and

¹ The respondent does not object to sub items 2-5 of the Appellant’s material designated as number 4 as they were entered separately in the record at other points.

***22. Order of Protection granted by the Thirteenth
Judicial Circuit Judge on September 7, 2023***

Dated this 13th day of March, 2024.

MOORHEAD LEFEVRE PA

s/J. Kirkman Moorhead

J. Kirkman Moorhead (SC Bar 07039)

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CERTIFICATE OF SERVICE

The undersigned paralegal of Moorhead LeFevre, PA, counsel for the Respondent, does hereby certify that the Respondent's Motion for Extension to file Respondent's Initial Brief and Designation of Matter in the above-captioned matter was sent by electronic mail and by placing same in the United States Mail, first class postage prepaid, to the below listed addresses clearly indicated on said envelope this the 1st day of February, 2024.

Daniel J. Farnsworth, Jr., Esq.
Pettus/Farnsworth, LLC
211 Pettigru Street
Greenville, SC 29601

Tracy D. Ceres, Paralegal to
J. Kirkman Moorhead (SC Bar No.: 07039)
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CERTIFICATE OF SERVICE

The undersigned on behalf of Moorhead LeFevre, PA, counsel for the Respondent, does hereby certify that the Respondent's Motion to Exclude Certain Matter Designated by Appellant from the Record of Appeal in the above-captioned matter was sent by electronic mail utilizing the following listed addresses on this the 13th day of March, 2024.

Daniel J. Farnsworth, Jr., Esq.
dan@farnsworthlawoffices.com

and

Lauren Lipscomb, Senior Paralegal
lauren@farnsworthlawoffices.com

s/J. Kirkman Moorhead
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