

# The South Carolina Court of Appeals

Stephen Mueller, Appellant,

v.

South Carolina Department of Health and Environmental  
Control, Carla Varn DuPre, and Jasper B. Varn, III,  
Respondents.

Appellate Case No. 2023-000441

---

## ORDER

---

Appellant filed and served a record on appeal on January 2, 2024. On January 23, 2024, Respondents filed a motion to correct deficiencies in the record on appeal, including Appellant's failure to include all matters designated by Respondents, Appellant's failure to number the record, and Appellant's inclusion of material not presented to the lower court. Appellant did not file a return to this motion.

On March 4, 2024, Respondents filed a motion requesting the record on appeal they filed and served on November 2, 2023, be used as the record on appeal for this case. Respondents further asked this court to "adopt the documents identified in Appellant's [r]ecord on [a]ppel as numbers 2-12, 14, and 16," and to number those documents sequentially to Respondent's record on appeal. Finally, Respondents moved to withdraw their motion to correct deficiencies in the record on appeal. Appellant did not file a return to this motion.

After careful consideration, we grant Respondents' request to withdraw their motion to correct deficiencies in the record on appeal and deny Respondents' motion to use the record on appeal they filed on November 2, 2023, with the adoption of documents identified in Appellant's record on appeal, as the record on appeal for this case.

Within twenty days of the date of this order, Appellant shall serve and file an amended record on appeal that complies with the South Carolina Appellate Court

Rules. *See e.g.*, Rule 210(c), SCACR ("The [r]ecord on [a]ppeal shall include all matter designated to be included by any part under Rule 209 and shall comply with the requirements of Rule 267."); *id.* (excluding from the record on appeal any "matter which was not presented to the lower court"); *id.* (explaining "[e]ach page of the [r]ecord on [a]ppeal shall be numbered consecutively beginning with the index); Rule 210(e), SCACR ("Every [r]ecord on [a]ppeal shall contain an index to the principal matters therein . . ."). Failure to comply will result in dismissal of this appeal.



---

FOR THE COURT

Columbia, South Carolina

cc:

Stephen Mueller

Bradley David Churdar, Esquire

Mary Duncan Shahid, Esquire

Angelica M. Colwell, Esquire

**FILED**  
**Apr 01 2024**