

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price

Court of Appeals Case No. 2022-000775
Civil Court Case No. 2021-CP-10-2682

Pet Helpers, Inc. Respondent,

v.

Janet L. Frisco Appellant,

v.

Melissa Susko Third-Party Respondent.

**RESPONDENT’S MOTION TO STRIKE
APPELLANT’S AMENDED REPLY BRIEF FILED ON APRIL 11, 2024**

Respondents, by and through their undersigned counsel, hereby move for an Order striking Appellant’s Amended Reply Brief filed on April 11, 2024 based upon Appellant’s unilateral amendment of her reply brief and that Appellant’s amended reply brief exceeds twenty-five (25) pages as limited by Rule 208(b)(5), SCACR.

BACKGROUND

On Appellant filed her initial reply brief and designation of matter on November 13,

2023. Thereafter, Appellant made no motion to this Court to allow her to amend her reply brief. On April 11, 2024, Appellant filed another reply brief consisting of thirty (30) pages. This motion followed.

ARGUMENTS

As set forth herein, without this Court's leave, Appellant unilaterally filed an amended reply brief on April 11, 2024. Additionally, Appellant's thirty (30) page amended reply brief exceeds the limitation of twenty-five (25) pages as outlined in Rule 208(b)(5), SCACR.

CONCLUSION

Respondents respectfully request that this Court:

- 1) Stay the time period for the filing of Final Briefs until such time as this Court has issued its Order on Respondents' Motion to Strike;
- 2) Strike Appellant's amended reply brief filed on April 11, 2024.

Respectfully submitted,

FUTERAL & NELSON, LLC

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Date: April 12, 2024

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SC Court of Appeals

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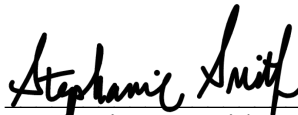
Melissa Susko Third Party Respondent.

PROOF OF SERVICE

I certify that I have served the *Respondent's Motion to Strike Appellant's Amended Reply Brief Filed on April 11, 2024* by delivering the same via email and United States Regular Mail, postage prepaid, on April 15, 2024, addressed to the Appellant as follows:

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com

FUTERAL AND NELSON, LLC



Stephanie M. Smith
Paralegal to Stephan V. Futeral, Esq.

Dated: April 15, 2024