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Jun 03 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

Case No. 2022-CP-23-04451
Appellate Case No. 2023-001129

Danny Rose, Respondent,

v.

Robert Rose, Gloria Rose-Ruch,
Mary Margaret Doll Rose, and John
Does 1-99, Defendants,

Of Whom Robert Rose, Gloria Rose-Ruch,
and Mary Margaret Doll Rose are the Appellants.

MOTION TO STRIKE PORTIONS OF APPELLANTS'
DESIGNATION OF MATTER

Pursuant to Rules 209 and 210, SCACR, Respondent moves to strike the following materials from Appellants' Designation of Matter. The descriptions are copied from Appellants' Designation of Matter, with the numbers corresponding to the Designation.

1. Order/Consent Order to Unfreeze Assets for Distribution 12/21/23
2. Order/Other 10/30/23
3. Order/Electronic Form 4 10/16/23
8. Order/Relieve Counsel 3/2/23
11. Temporary Restraining Order 10/25/22
12. Temporary Restraining Order 10/5/22
17. Motion/Relieve as Counsel 2/15/23
18. Property to be Attached 2/16/23

26. Motion for Discovery and Disclosure of Evidence 9/15/23
27. Affidavit on Motion to Allow Discovery 10/6/23
28. Memo in Support of Motion 10/10/23
29. Motion to Reconsider 10/26/23
30. Motion to Unfreeze Assets for Distribution 12/19/23

Rule 210, SCACR, states the Record on Appeal “shall not...include matter which was not presented to the lower court or tribunal.” The matter at issue in this motion: 1) post-date the notice of intent to appeal; 2) pertain to Appellants’ second appeal based on a motion filed after this appeal was submitted; and/or 3) are not referenced in Appellants’ brief:

- a. Documents that post-date the appeal: 1, 2, 3, 26, 27, 28, 29, 30.
- b. Documents from second appeal: 2, 3, 26, 27, 28, 29.
- c. Documents not referenced in Appellants’ brief: 1, 2, 3, 11, 12, 17, 26, 27, 28, 29, 30.

Accordingly, Respondent requests the Court issue an order striking these materials from the record on appeal.

Respectfully Submitted,

YOUNG LAW FIRM, LLC

s/William T. Young III

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June 1, 2024
Greenville, SC

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Appellants.

CERTIFICATE OF SERVICE

The undersigned certifies that on June 1, 2024, he caused to be served the foregoing Motion to Strike upon all counsel of record, via electronic means, to counsel's email address on file with the South Carolina Attorney Information System.

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s/William T. Young III

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VIA ELECTRONIC and UNITED STATES MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

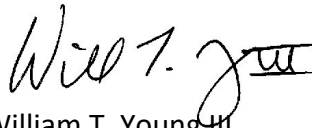
Re: *Danny Rose, Respondent v. Robert Rose, et. al, Appellants*
Appellate Case No: 2023-001129

Dear Ms. Kitchings:

Please find enclosed herewith the filing fee for Respondent's Motion to Strike in the above matter. If you have any questions please contact me at your convenience.

With Kind Regards,

Very Truly Yours,


William T. Young III

cc: T. Hunt Reid, Esq. (via email only)
John Martin Foster, Esq. (via email only)