

# The South Carolina Court of Appeals

Ronald Carl Cox, III, Appellant,

v.

Michael John Dimaggio, Respondent.

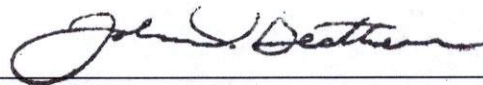
Appellate Case No. 2023-001497

---

## ORDER

---

Respondent moves to strike from Appellant's designation of matter item 4(a), email correspondence between Appellant's counsel and Judge Letitia Verdin regarding Appellant's petition for publication, and the attached affidavit of Lauren Lipscomb; and item 22, an order of protection. Respondent's motion is denied as to the email correspondence and granted as to the attached affidavit. Although it does appear that Appellant attempted to submit Lipscomb's affidavit to the lower court with his petition for publication, only a small portion of the affidavit is visible. However, Appellant may include the illegible version of the document if he chooses. As to item 22, the Public Index does not reflect that an order of protection was filed in this case. However, without more explanation from the parties, this court is unable to determine with certainty whether the order is proper for inclusion in the record. Accordingly, Respondent's motion to strike is granted to the extent that the referenced order was issued in a separate matter and not presented below; otherwise, the motion is denied. *See* Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."). Within thirty days of the date of this order, Appellant shall serve and file an amended designation of matter omitting the stricken items. If Appellant's initial brief referenced the stricken items, Appellant shall, also within thirty days, file an amended initial brief.



---

FOR THE COURT

**FILED**  
**Jun 07 2024**

---

Columbia, South Carolina

cc:

Daniel Joseph Farnsworth, Jr., Esquire

John Kirkman Moorhead, Esquire