

The South Carolina Court of Appeals

Bertha Goins, Respondent,

v.

Jenkinsville Water Company Inc., Appellant.

Appellate Case No. 2023-001451

ORDER

After careful consideration, Respondent's motion to strike items (10) through (15) from Appellant's designation of matter is granted. *See* Rule 209(b), SCACR (providing a designation of matter "may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal."); Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."). Appellant's request to include in the record on appeal documents exchanged in discovery and documents cited to in the parties' summary judgment briefs, but not actually presented to the circuit court, is denied. Rule 210(h), SCACR ("Except as provided by Rule 212 and Rule 208(b)(1)(C) and (2), the appellate court will not consider any fact which does not appear in the Record on Appeal."); Rule 208(b)(1)(C), SCACR (providing the parties' briefs "shall contain a concise history of the proceedings, insofar as necessary to an understanding of the appeal," which "shall not contain contested matters"); *Argabright v. Argabright*, 398 S.C. 176, 179, 727 S.E.2d 748, 750 (2012) ("We are, of course, bound by the record established at trial."). Because Appellant's initial brief references the stricken matters, Appellant's initial brief is also stricken. Within thirty days of the date of this order, Appellant shall serve and file an amended designation of matter and amended initial brief that shall not include references to the stricken matters.



FOR THE COURT

FILED
Jun 07 2024

Columbia, South Carolina

cc:

Thomas Jefferson Goodwyn, Jr., Esquire

H. Thomas Morgan, Jr., Esquire

Daniel Clifton Plyler, Esquire

Austin Tyler Reed, Esquire

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