

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley Price, Circuit Court Judge

Court of Appeals Case No. 2022-000775
Civil Court Case No. 2021-CP-10-2682,
Civil Court Case No. 2021-CP-10-2848

Pet Helpers, Inc.....Respondent,

v.

Janet L. Frisco.....Appellant,

v.

Melissa Susko.....Third-Party Defendant

**APPELLANT’S RETURN TO THE RESPONDENT’S MOTION TO STRIKE
RECORD ON APPEAL**

The Appellant Pro Se returns to the Respondent’s Motion to Strike the
Appellant’s Record on Appeal for noncompliance with Rule 210 (c) SCACR.

Respondent states the following in their motion:

I. "THE COURT SHOULD STRIKE THE RECORD ON APPEAL AND ORDER APPELLANT TO FILE AND SERVE ANOTHER RECORD ON APPEAL BECAUSE APPELLANT EXCLUDED FROM THE RECORD (8) OF THE MATTERS DESIGNATED BY RESPONDENTS."

I-1 **Respondent's Designation Number 1** Respondent did not state on his Designation of Matter that the exhibits (matter), which were filed separately from the *Respondent's Complaint* filed June 9, 2021, were to be included.

I-2 **Respondent's Designation Number 2** Respondent did not state on his Designation of Matter that the exhibits (matter), which were filed separately from Third Party Defendant *Melissa Susko Affidavit in Support of Respondent's Motion for Emergency/ExParte Restraining Order* filed on June 9, 2021, were to be included.

I-3 **Respondent's Designation Number 8** Respondent did not state on his Designation of Matter that the exhibits (matter), which were filed separately from the *Respondent's Answer and Counter Claim* filed July 9, 2021, were to be included.

I-4, I-7, and I-8 Respondent did specify on their Designation of Matter that exhibits were to be included on **Designation No. 9**, Motion to Consolidate filed July 9, 2021, **No. 19** Respondents Motion for Sanctions for Appellant's Failure to Comply with an Order of Discovery filed January 21, 2022 and **No. 23** Respondents Memorandum in Support of Motion for a Partial Summary Judgement filed April 12, 2022, but Appellant did not realize Respondent had filed them separately.

I-5 Respondent acknowledges that she inadvertently omitted Respondent's **Designation Number 16**, Amended Order on Respondent's Motion to Consolidate

filed January 6, 2022.

I-6 Respondent acknowledges that she inadvertently omitted Respondent's **Designation Number 18**. *Amended Notice of Appeal* filed January 14, 2022.

The Respondent also states the following:

II "THIS COURT SHOULD STRIKE THE RECORD ON APPEAL AND ORDER APPELLANT TO FILE AND SERVE ANOTHER RECORD ON APPEAL BECAUSE APPELLANT INCLUDED MATTERS NOT DESIGNATED BY APPELLANT."

And continues;

"Despite the requirements of Rule 210 (c) SCACR, Appellant included matters in the record of appeal that Appellant did not designate as shown on Exhibit B. ...Appellant included various photos, records, documents and a police incident report that Appellant did not designate. Based on Appellant's failure to comply with Rule 202 (c) SCACR, Respondent requests that this court strike the record on Appeal and order Appellant to a prepare a Record on appeal that excludes the documents and other matter included in Volume I pages 196-209."

APPELLANT'S RESPONSE: According to Rule 210 (c) SCACR Appellant is allowed to include exhibits and photos in the Record of Appeal as stated. The Appellant's Designation of Matter included all the documents listed under Exhibits and Photos indexed on pages 196-209 except a photograph of a female Pet Helpers' employee fawning over Toby, the alleged adoption contract, and the police report. Since the police report and redacted adoption contract are essential to the Appellants appeal, Appellant will file a motion for leave of court to supplement The Record on Appeal according to Rule 212 (b) SCACR adding the Appellant's document *Objection to Motion to Consolidate* filed July 16, 2021 which includes both the police report and the adoption contract. The police report verifies that the Appellant did not trespass on Pet Helper's property as the Respondent's legal

counsel claimed in his complaint and that Melissa Susko, Third Party Defendant, tried to entrap the Appellant using two of her employees on or about June 5, 2021 and then filed a false police report. The adoption contract is dated May 8th, Susko claimed that Toby was adopted on May 7th so she deliberately misrepresented the date on *Affidavit of Melissa Susko in Support of Plaintiff's Motion for Emergency ExParte Restraining Order and Injunctive Relief filed June 9, 2021* to conceal a staged adoption.

The tax map of Pet Helper's property which was included in the Appellant's Designation of Matter No.19 shows that the drive-way where Appellant was standing after the Pet Helper's employee addressed her is not on Pet Helpers' property so the police report and the tax map must be considered together to prove the Appellant's argument that Melissa Susko, Third-Party Defendant, and the Respondent's legal counsel made falsely accused Appellant of trespassing on court documents in order to support their complaint and inflict illegitimate restraining orders and other punitive actions upon the Appellant.

APPELLANT'S EXHIBITS ON PAGES 196-209

Pg. 196 A photo of Toby and the Appellant facing camera the day of surrender Appellant's Designation of Matter No. 14 *Defendant's Motion to Dismiss and Consolidate, Exhibit A, filed July 22, 2021.*

Pg. 197 Toby and Appellant looking at each other day of surrender Designation of Matter No.22 *Defendant's Amended Motion to Reconsider Sanction Judgement Exhibit B, filed November 1, 2021.*

Pg. 198 Blaine John, Pet Helpers' employee Photo D.O.M. #14, Exhibit C.

Pg. 199 "I'm Going Home" Adoption Photo D.O.M. #14, Exhibit C.

Pg. 200 Toby's "Happy Ending Update Photo" D.O.M. #14, Exhibit D.

Pg. 201 Blaine John and alleged adopter side by side photo D.O.M #22, *Exhibit C.*

Pg 202 Redacted Adoption Contract

Pg. 209 tax map of Pet Helpers Property Designation of Matter. #19 *Defendant's Objection to the Plaintiff's Motion to Show Cause, Exhibit B, filed August 13, 2021.*

CONCLUSION

The Respondent did not specify that certain exhibits that were filed separately were to be included on the Designation of Matter so Appellant would not have known to include them when preparing The Record on Appeal. Presently there are fifty-three (53) documents and three hundred and eighty-one (381) pages in the Record on Appeal and most of the Respondent's matter is irrelevant to the appeal issue which is that summary judgement should not have been granted when a genuine issue of material fact was not considered by the lower court.

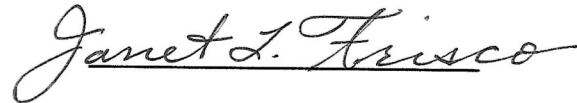
Most of the exhibits the Respondent is requesting in this motion already appear in their other matter included in the Record on Appeal so it is redundant for the Appellant to have to add them when they were not originally requested on Respondent's Designation of Matter. They also include emails that merely illustrate the Appellant was understandably upset after the extreme mistreatment she and her dog Toby received at the hands of the Respondent and their legal counsel.

Appellant has acknowledged the inadvertent omissions and is willing to delete them, but should not have to add exhibits that the Respondent did not specify were to be included and should not have to delete exhibits that were included in the Appellant's Designation of Matter.

Appellant will await this court's decision on supplementing the Designation

of Matter to include the document *Objection to Defendant's Motion to Consolidate* filed July 16, 2021 in the Appellant's Counterclaim Case No. 2021-CP-10-2848 Janet Frisco v. Pet Helpers, Inc. and Melissa Susko.

Respectfully submitted,

A handwritten signature in cursive script that reads "Janet L. Frisco". The signature is written in black ink and is positioned above the typed name and contact information.

Janet L. Frisco
203 Cardinal Drive
Summerville, South Carolina 29485
843-804-0875
janetfrisco@yahoo.com
Pro Se Appellant

Dated June 10, 2024

RECEIVED

Jun 10 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley Price, Circuit Court Judge

Court of Appeals Case No. 2022-000775
Civil Court Case No. 2021-CP-10-2682,
Civil Court Case No. 2021-CP-10-2848

Pet Helpers, Inc.....Respondent,

v.

Janet L. Frisco.....Appellant,

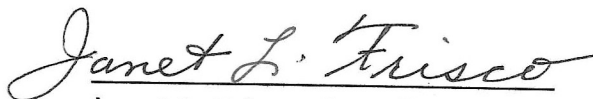
v.

Melissa Susko.....Third-Party Defendant

PROOF OF SERVICE

I certify that I have served the *RETURN TO THE RESPONDENT'S MOTION TO STRIKE RECORD ON APPEAL* by delivering the same via email and United States Regular Mail, postage prepaid, on June 10, 2024 addressed to the Respondent as follows:

Stephan V. Futeral
534 Johnnie Dodds Blvd., Suite 202
Mount Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net


Janet L. Frisco, Appellant Pro se

Attorney for Respondent and Third-Party Defendant DATED: June 10, 2024