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**Jun 10 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Bentley D. Price

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

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Pet Helpers, Inc. ....Respondent,

v.

Janet L. Frisco .....Appellant,

v.

Melissa Susko ..... Third-Party Defendant.

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**SURREPLY REGARDING  
RESPONDENT’S MOTION TO STRIKE RECORD ON APPEAL**

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In Appellant’s Reply to Respondent’s Motion to Strike the Record on Appeal, Appellant argues, in part, that she did not include missing exhibits because these exhibits were “filed separately.” First, as shown in Respondent’s Second Amended Designation of Matter, many of the designations specifically included “exhibits.” Second, such exhibits were not filed separately as claimed by Appellant. Instead, these exhibits were filed simultaneously with the matters referenced in Respondent’s Second Amended Designation of Matter. Indeed, the bodies of these matters specifically reference such exhibits. Without such exhibits, the Record on Appeal will be

incomplete, and this Court’s ability to consider and rule upon this appeal will be significantly hindered.

### CONCLUSION

Based on the foregoing, Respondent hereby moves this Honorable Court for an Order striking the Record on Appeal, Volumes I and II, and compelling Appellant to “include all matter designated to be included by any party under Rule 209 . . . .” Rule 210(c), SCACR, to strike matters included in the Record on Appeal that were not designated by Appellant, and to stay the time for service and filing of final briefs pending this Court’s ruling on Respondent’s motion.

Respectfully submitted,

FUTERAL & NELSON, LLC

/s/Stephan V. Futeral  
Stephan V. Futeral  
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*Attorney for Respondent  
and Third-Party Defendant*

Dated: June 10, 2024

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Pet Helpers, Inc. .... Respondent,

v.

Janet L. Frisco ..... Appellant,

v.

Melissa Susko ..... Third-Party Respondent.

**PROOF OF SERVICE**

I certify that I have served the *Surreply Regarding 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 Appellant as follows:

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

FUTERAL AND NELSON, LLC

*Michelle McManigal*

Michelle McManigal  
Paralegal to Stephan V. Futeral, Esq.

Dated: June 10, 2024



# Futeral & Nelson LLC

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June 10, 2024

Ms. V. Claire Allen, Deputy  
South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
Columbia, South Carolina 29201

**RE: Pet Helpers, Inc. v. Janet Frisco v. Melissa Susko**  
**Appellant Case No.: 2022-000775**

Dear Ms. Allen:

Enclosed please find the *Surreply Regarding Respondent's Motion to Strike Record on Appeal* which was emailed to this Court for filing today, June 10, 2024. If there are any questions or should the Court need anything further, please let us know.

With kind regards, I am,

Sincerely,

Michelle McManigal  
Paralegal to Stephan V. Futeral

MM/kgf

Enclosure

cc: Janet Frisco (via email and US Mail)