

**RECEIVED**

**Jun 18 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.

---

REPLY IN SUPPORT OF MOTION TO STRIKE PORTIONS OF  
APPELLANTS' DESIGNATION OF MATTER

---

Appellants concede items 2, 3, 36, 27, 28, and 29 are not properly part of the Record on Appeal, leaving only seven items at issue<sup>1</sup>. However, in addressing those items, Appellants only partially address the issues raised in the motion to strike and fail to address specific deficiencies that require certain materials to be stricken from the Record.

For example, Appellants argue a motion and an order filed in December 2023 (items 1 and 30 in the original Designation of Matter) are properly part of the Record because they were

---

<sup>1</sup> Because these matters are not part of the record, it is respectfully submitted references to these materials should be removed from Appellants' brief pursuant to Rule 210(h), SCACR.

“obviously filed with the Circuit Court” (Return, para. 3). Equally obvious is the fact the motion and order were filed *five months after* this appeal was submitted. Common sense therefore requires a single conclusion: materials filed months after a court issues an order could not have played a role in the court’s decision. Therefore, the motion and order filed in December 2023 are not properly part of the Record on Appeal and should be stricken.

In addition, Appellants contend two temporary restraining orders (items 11 and 12) should be included because they “evidence the history of the case and are thus relevant to this appeal” (Return, para. 5). The appeal, however, does not involve the entirety of the case, only whether the circuit court properly ruled on a 12(c) motion for judgment on the pleadings. Materials unrelated to that issue are therefore not relevant to the appeal and improperly invite this Court to consider materials outside the pleadings when the trial court, by the plain language of its order, only relied upon the pleadings filed by the parties. Further, Appellants do not cite any authority to support their argument. Moreover, a document that does not warrant reference within a party’s brief can hardly be seen as relevant, or it would have been mentioned in the brief.

Likewise, item 18, identifying property to be attached, is entirely irrelevant to whether the circuit court properly granted Respondent’s Rule 12(c) motion. It was not part of the arguments presented to the trial court at the hearing or in the written submissions to the circuit court and Respondent makes no argument concerning the necessity of its inclusion.

Finally, who represented Appellants and when is not relevant to the appeal in any form. Therefore, items 8<sup>2</sup> and 17 should be stricken. Appellants’ present counsel has taken every

---

<sup>2</sup> Appellants wrongly assert Respondent did not object to item 8. It is identified on page 1 of the motion to strike but was unintentionally omitted from the categorization of the materials to be stricken. Respondent regrets this error and maintains item 8 is not relevant to this appeal.

opportunity to blame his predecessor. However, present counsel never moved to amend Appellants' Answer. Further, the hearing transcript clearly establishes present counsel did not make a **single** argument as to why the parties' pleadings should not result in judgment in favor of Respondent. Finally, it is well-settled parties can be bound by their attorneys. *See Koutsogiannis v. BB&T*, 616 S.E.2d 425 (2005) ("In the attorney-client relationship, clients are generally bound by their attorneys' acts or omissions during the course of the legal representation...")

By casting aspersions on Appellants' prior counsel, their present counsel amplifies the irrelevance of these matters to the instant appeal. The timing of present counsel's involvement would be potentially relevant if the new counsel attempted to withdraw or change a previous admission or concession but was prevented from doing so by the court. Here, that is not the case. Accordingly, these materials are not properly part of the Record on Appeal and Respondents' motion should be granted.

Respectfully Submitted,

**YOUNG LAW FIRM, LLC**

s/William T. Young III

William T. Young III (SC Bar No. 75153)

P.O. Box 9567

Greenville, SC 29604

(864) 403-8300

[bill@younginjurylawyer.com](mailto:bill@younginjurylawyer.com)

**HOWARD HOWARD FRANCIS & REID, LLP**

s/T. Hunt Reid

T. Hunt Reid (SC Bar No. 77538)

P.O. Box 10383

Greenville, SC 29603

(864) 242-3522

(864) 242-3294 (fax)

[hunter@hhfr.com](mailto:hunter@hhfr.com)

June 18, 2024  
Greenville, SC

**RECEIVED**

**Jun 18 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.

CERTIFICATE OF SERVICE

The undersigned certifies that on June 18, 2024, he caused to be served the foregoing Reply in Support of 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.

**YOUNG LAW FIRM, LLC**

s/William T. Young III

William T. Young III (SC Bar No. 75153)

P.O. Box 9567

Greenville, SC 29604

(864) 403-8300

[bill@younginjurylawyer.com](mailto:bill@younginjurylawyer.com)