

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price

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

Pet Helpers, Inc. Respondent,

v.

Janet L. Frisco Appellant,

v.

Melissa Susko Third-Party Defendant.

**RETURN TO APPELLANT’S MOTION
TO SUPPLEMENT THE RECORD ON APPEAL**

Respondent respectfully requests that this Honorable Court deny Appellant’s Motion to Supplement the Record on Appeal because Appellant’s additional designations do not include any matter relevant to this appeal.

Appellant seeks to add two irrelevant matters to the record: (1) Objection to Motion to Consolidate filed July 16, 2021 and attachments and (2) a tax map of Respondent’s property. First, Appellant did not appeal the lower court’s order consolidating matters. Instead, this appeal concerns the lower court’s order, filed on May 5, 2022 granting (1) partial summary judgment regarding claims made by Respondent and Third-Party Party Defendant Melissa Susko, (2)

sanctions against Appellant for failure to comply with the lower court's order compelling discovery, and (3) the denial of Appellant's Second and Third Motions to Amend. Accordingly, to avoid littering the Record on Appeal with irrelevant pleadings and documents, this Court should deny Appellant's Motion.

Second, Appellant is attempting to "try" a claim before this Court by introducing evidence, i.e., the tax map, that Respondent engaged in an "abuse of civil process." Notwithstanding that Appellant never filed a claim for abuse of process, there is no "trial" before this Court for which Appellant may introduce evidence. Accordingly, the tax map is irrelevant to this appeal, and this Court should deny Appellant's Motion.

CONCLUSION

Based on the foregoing, Respondent hereby respectfully requests that this Honorable Court deny Appellant's Motion because the matters Appellant seeks to add to the record on appeal are irrelevant to the appeal.

Respectfully submitted,

FUTERAL & NELSON, LLC

/s/Stephan V. Futeral

Stephan V. Futeral

SC Bar ID 66427

534 Johnnie Dodds Blvd., Suite 202

Mount Pleasant, South Carolina 29464

(843) 284-5500 Phone (843) 284-5501 Fax

sfuteral@charlestonlaw.net

Attorney for Respondent

and Third-Party Defendant

Dated: June 17, 2024

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Jun 17 2024

SC Court of Appeals

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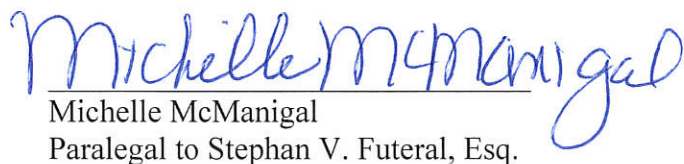
Melissa Susko Third-Party Respondent.

PROOF OF SERVICE

I certify that I have served the *Return to Appellant's Motion to Supplement the Record on Appeal* by delivering the same via email and United States Regular Mail, postage prepaid, on June 17, 2024, addressed to the Appellant as follows:

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

FUTERAL AND NELSON, LLC


Michelle McManigal
Paralegal to Stephan V. Futeral, Esq.

Dated: June 17, 2024



Futeral & Nelson LLC

534 Johnnie Dodds Blvd., Suite 202
Mount Pleasant, South Carolina 29464
Tel: 843-284-5500 I Fax: 843-284-5501
charlestonlaw.net

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SC Court of Appeals

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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 *Return to Appellant's Motion to Supplement the Record on Appeal* which was emailed to this Court for filing today, June 17, 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)