

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master-In-Equity

Case No. 2021-CP-10-3609  
Appellate Case No. 2023-001334

Jason M. Aryeh, .....Respondent,

v.

Olivia R. Aryeh.....Appellant.

**REPLY IN FURTHER SUPPORT OF MOTION TO STRIKE AND TO CLARIFY AND  
REQUEST TO SEAL RECORD ON APPEAL PENDING RESPONDENT’S REVIEW OF  
THE RECORD ON APPEAL AND/ OR TO ALLOW RESPONDENT TO PREPARE  
THE RECORD ON APPEAL AND RECOVER THOSE COSTS PURSUANT TO RULE  
222, SCACR**

Pursuant to Rule 210(c), SCACR and this Court’s Order of April 30, 2024 (“Order”), Respondent submits this memorandum in further support of his motion to strike and to clarify. In the Order, the Court granted the Respondent’s request to strike items 5, 8, and 9 from the Appellant’s designation of matter. With respect to items 1, 2, 6, and 7, the Appellant was ordered to explain what was intended and “when and how the items were presented to the lower court.”

With respect to Items 1 and 2, Appellant has identified only the following portions of the March 29, 2023 trial transcript: 85:21-24; 83:20-25, 95:22-96:1, 140:3, 149:20-25, and 156:8-11.

With respect to Item 6, Appellant has identified only the following portions of the March 29, 2023 trial transcript: 101:22-102:4, 172:13-22.

With respect to Item 7, Appellant has identified the month and year for an order in the couple's Connecticut divorce proceeding (March 2022) and identified some reference to the order in the March 29, 2023 transcript (91:23-92:11, 125:5-8), but she has not presented any information showing this order was presented to the trial court. Respondent does not object to the inclusion of the transcript references, but he does object to the inclusion of the order or of any matter that was not presented to the trial court.

Given the Order and the Appellant's return, the Appellant's designation of matter should be amended to remove Items 5, 8, and 9. With respect to Items 1, 2, 6, and 7, those items should be amended to include only the referenced transcript pages.

Respondent further notes that Appellant should be cognizant that the record on appeal must include all matters properly designated by any party (including all parts of Items 1-14 on Respondent's designation of matter dated March 11, 2024) and no other matters. Rule 210(c), SCACR.

In addition, all exhibits in the trial of this matter were filed under seal with the consent of the parties by Order dated May 23, 2023 which found that "[s]ealing is necessary under Rule 41.1, SCRCP, due to the harms that would result from the disclosure of certain financial, proprietary, and health information." Appellant should be mindful of this order as well as the Supreme Court's Order 2014-04-15-02 regarding personal identifying and other sensitive information when preparing the Record on Appeal. Respondent asks that the Record on Appeal be filed under seal until such time as Respondent submits its final brief to allow it time to consider whether additional redactions or sealing are warranted. Respondent acknowledges this procedure is unusual, but

believes it is appropriate given Appellant's pro se status and proclivity for failing to serve the Respondent with materials filed with this Court as discussed in counsel's letter of May 24, 2024 (attached as Exhibit A).

Alternatively, the Court could direct Respondent to prepare the Record on Appeal and any appropriate motion to seal with the understanding that those costs would be recoverable in a motion for costs pursuant to Rule 222, SCACR. This approach would streamline the process for the parties and allow the appeal to proceed expeditiously on the merits.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

*s/ Sarah P. Spruill*

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*Attorneys for Respondent Jason M. Aryeh*

June 25, 2024

Greenville, South Carolina

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May 24 2024

SC Court of Appeals

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May 24, 2024

VIA EMAIL

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *Jason M. Aryeh v. Olivia R. Aryeh*  
Appellate Case No. 2023-001334

Dear Ms. Kitchings:

My firm represents the Respondent in this matter. By way of this letter, I am requesting that the Appellant be directed to copy counsel for the Respondent on any filings, correspondence, or emails to the Court at the same time the communication is made to the Court. Communications are either not served or are not promptly served. For example, we received a copy of a deficiency letter today regarding an extension request that we did not know the Appellant had made.

Thank you for your attention to this matter.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac

Enclosure

cc: Olivia R. Aryeh (via email [oliviaaryeh@gmail.com](mailto:oliviaaryeh@gmail.com) and U.S. Mail)  
Stafford J McQuillin (via email [mmcquillin@hsblawfirm.com](mailto:mmcquillin@hsblawfirm.com))  
Elliot Condon (via email [econdon@hsblawfirm.com](mailto:econdon@hsblawfirm.com))

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Jun 25 2024

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**PROOF OF SERVICE**

I certify that I have served the *Reply in Further Support of Motion to Stay and to Clarify* on all parties of record by depositing a copy of the same in the United States Mail, postage prepaid, on June 25, 2024, addressed to:

Olivia Aryeh  
30 Upland Drive  
Greenwich CT 06831

  
Stacey Carberry, Legal Assistant

RECEIVED

Jun 25 2024

SC Court of Appeals

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June 25, 2024

**VIA EMAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *Jason M. Aryeh v. Olivia R. Aryeh*  
Appellate Case No. 2023-001334

Dear Ms. Kitchings:

This firm represents the Respondent in the above-captioned matter. Enclosed for filing, please find the *Reply in Further Support of Motion to Stay and to Clarify*, together with our *Proof of Service* for the same. Once this reply has been filed-stamped, we would appreciate your reply to this message with a filed-stamped copy.

Thank you for your assistance in this matter.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac

Enclosure

cc: Olivia R. Aryeh  
Stafford J McQuillin (mmcquillin@hsblawfirm.com)  
Elliot Condon (econdon@hsblawfirm.com)