

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
In The Circuit Court

B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2023-001089

Robert F. Goorey,

Appellant,

v.

Deborah A. Goorey and
Shawn Goorey,
of whom Shawn Goorey is the

Respondent.

MOTION TO STRIKE PORTION OF DESIGNATION OF MATTER and
FOR EXTENSION OF TIME

Pursuant to Rules 209(b), 210(c), 240 and 263(b), S.C.A.C.R., the Appellant, by his counsel herein, moves this Court for an order correcting the items proposed by Respondent for the Record on Appeal and granting an extension of time in which to file the Record on Appeal until disposition hereof, on the grounds stated below:

1. The parties' Briefs and Designations of Matter have been filed in this Appeal. The time for filing the Record on Appeal has now come.
2. The Defendant Shawn Goorey has filed his Designation of Matter to be included in the Record on Appeal. That Designation of Matter includes:

“7. Defendant Deborah Goorey’s Responses to Shawn Goorey’s

Requests to Admit.”

3. Item 7. of the Defendant’s Designation of Matter references a document that has never been filed with the Circuit Court.

4. Rule 209(b), S.C.R.C.P. provides, in relevant part:

(b) Content. . . . The Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.

5. Rule 210(c), S.C.R.C.P. provides, in relevant part:

(c) Content. The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. . . .

6. On the basis of the quoted Rules, Item 7. from the Respondent’s Designation of Matter should be stricken and not included in the Record on Appeal.

7. Until this issue is dealt with, Counsel for Appellant cannot complete or file the Record on Appeal, and requests an extension to that end..

The basis of this Motion is the within-cited Rules and the records of this appeal, which are hereby incorporated in this Motion by reference.

WHEREFORE, the Appellant herein moves this Court to strike the said item 7. from the Respondent’s Designation of Matter and for an extension of time

in which to file the Record on Appeal pending disposition of this Motion.

July 8, 2024

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PROOF OF SERVICE

I certify that I have served the Appellant's Motion for Extension of Time dated July 8, 2024, by serving the following lawyers admitted to practice law in this state using the lawyer's primary e-mail address listed in the Attorney Information System, as allowed by Rules 613 and 614, S.C.A.C.R.:

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