

The South Carolina Court of Appeals

Takara Stewart, Claimant, Appellant,

v.

South Carolina CVS Pharmacy, LLC, Employer, and XL
Insurance America, Inc., Carrier, Respondents.

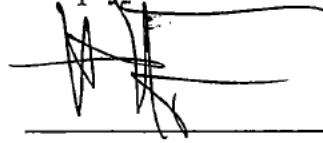
Appellate Case No. 2023-001264

ORDER

On April 17, 2024, Appellant filed her initial brief and designation of matter. On April 24, 2024, Appellant filed a motion titled "Motion New Evidence." In the motion, she requests "to present new evidence pertinent to the record on appeal to the Full Commission Appellate Panel." Specifically, she seeks to present (1) a psychology referral from Dr. Hicks-Beckum, (2) a psychology consultation and debrief, (3) a psychology estimate requested by Respondents, and (4) documentation of Respondents' settlement offers. Respondents filed a return, opposing Appellant's motion. We construe Appellant's motion as requesting either to amend the designation of matter or to remand to the South Carolina Workers' Compensation Commission. After careful consideration, we deny the motion. *See* Rule 210(c), SCACR (providing the record on appeal shall not include matter not presented to the lower court or tribunal).

Respondent filed a motion to dismiss the appeal or to strike improper portions of Appellant's initial brief and designation of matter. Appellant did not file a return. After careful consideration, we deny Respondent's motion to dismiss; however, we grant Respondent's motion to strike Appellant's initial brief and strike items 2, 3, and 4 from Appellant's designation of matter. *See* Rule 208(b)(1)(C), SCACR (explaining the statement of the case "shall not contain contested matters"); Rule 209(b), SCACR (stating a party may only designate matters that may properly be included in the record on appeal); Rule 210(c), SCACR (providing the record shall not include matter which was not presented to the lower court or tribunal).

Within twenty days of the date of this order, Appellant shall file and serve an amended initial brief. Failure to comply will result in dismissal of this appeal.

A handwritten signature in black ink, consisting of several vertical and diagonal strokes, positioned above a horizontal line.

FOR THE COURT

Columbia, South Carolina

cc:

Takara Stewart

Michelle Deluca Yarbrough, Esquire

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Jul 12 2024

SC Court of Appeals