

# The South Carolina Court of Appeals

Joe Clemons, Appellant,

v.

William S. Helmly/President & CEO of Home Telecom  
Co., Respondent.

Appellate Case No. 2023-000460

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## ORDER

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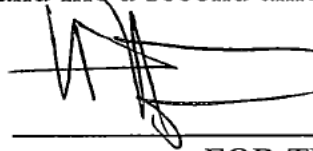
Appellant filed a record on appeal on December 15, 2023, and a supplemental record on appeal on April 22, 2024.<sup>1</sup> On May 2, 2024, Respondent moved to dismiss the appeal because the record on appeal and supplemental record on appeal do not contain all matters designated by the parties. Appellant did not file a return. After a review of the parties' respective designations of matter, the record on appeal filed on December 15, 2023, and the supplemental record on appeal filed on April 22, 2024, this court has determined the record on appeal remains deficient because it does not include "Hearings of 7-18-22 & 1-31-22" and "Briefs of Both Hearings," which were designated as items 2 and 3 by Appellant. We deny Respondent's motion to dismiss and order Appellant to serve and file a second supplemental record on appeal containing "Hearings of 7-18-22 & 1-31-22" and "Briefs of Both Hearings" within twenty days of the date of this order. *See* Rule 210(c), SCACR (stating the record on appeal "shall include all matter designated to be included by any party").

On May 2, 2024, Appellant filed an amended final brief. On May 8, 2024, Respondent filed a motion to strike Appellant's amended final brief because it is "wholly different than his [i]nitial [b]rief, as it has been entirely rewritten and

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<sup>1</sup> For clarification, the court considers the record on appeal filed on December 15, 2023, and the supplemental record on appeal filed on April 22, 2024, together, to be the current record on appeal. When Appellant files the second supplemental record on appeal, all three will constitute the record on appeal.

contains new arguments" and violates Rule 211 of the South Carolina Appellate Court Rules. Appellant did not file a return. After a review of Appellant's initial brief filed on August 10, 2023, and Appellant's amended final brief filed on May 2, 2024, we grant the motion to strike Appellant's amended final brief. *See* Rule 211(b), SCACR (stating the final brief "shall be identical" to the initial brief except a party must revise the references in the initial brief to indicate where the material appears in the record on appeal and may correct "obvious typographical errors and misspellings," but may make no other changes). Within thirty days of the date of this order, Appellant must serve and file a second amended final brief that complies with Rule 211.

A handwritten signature in black ink, appearing to be 'M. J. ...', is written over a horizontal line.

FOR THE COURT

Columbia, South Carolina

cc:

Joe Clemons

Robert Edward Kneece, III, Esquire

**FILED**  
**Jul 12 2024**