

The South Carolina Court of Appeals

Stephen Mueller, Appellant,

v.

South Carolina Department of Health and Environmental Control, Carla Varn DuPre, and Jasper B. Varn, III,
Respondents.

Appellate Case No. 2023-000441

ORDER

On November 2, 2023, Respondents Carla Varn Dupre (Dupre) and Jasper B. Varn, III (Varn) filed a document titled "Respondents' Carla Varn Dupre and Jasper B. Varn, III Record on Appeal." On March 4, 2024, Respondents Dupre, Varn, and the South Carolina Department of Health and Environmental Control filed a motion requesting the record on appeal filed and served on November 2, 2023 along with certain documents identified in Appellant's deficient record on appeal be used as the record on appeal for this case. On April 1, 2024, this court denied Respondent's motion and ordered Appellant to file and serve an amended record on appeal that complied with the South Carolina Appellate Court Rules. Most recently, on July 11, 2024, this court ordered Appellant to correct deficiencies in the record on appeal he filed on May 28, 2024, including his failure to number the record on appeal, within thirty days of the date of the order.

On July 16, 2024, Appellant filed a "motion to correct deficiencies in Respondent[s'] record on appeal." Specifically, Appellant stated Respondents failed to number the record on appeal preventing the parties from complying with the rules for submitting final briefs. After careful consideration, we deny Appellant's motion. As explained in this Court's April 1, 2024 order, the record on appeal filed by Respondents Dupre and Varn on November 2, 2023 is not under consideration by this court. Filing and serving the record on appeal is the responsibility of the appellant. *See* Rule 210(a), SCACR (explaining the appellant shall serve the record on appeal); Rule 210(b), SCACR (requiring the appellant to

file the record on appeal); Rule 210(c), SCACR ("The [r]ecord on [a]ppeal shall include all matter designated to be included by any party under Rule 209 [of the South Carolina Appellate Court Rules] and shall comply with the requirements of Rule 267 [of the South Carolina Appellate Court Rules]" and "[e]ach page of the [r]ecord on [a]ppeal shall be numbered consecutively beginning with the index."); *Matter of Est. of Moore*, 435 S.C. 706, 715, 869 S.E.2d 868, 872-73 (Ct. App. 2022), *reh'g denied* (Mar. 24, 2022) ("The [a]ppellant bears the burden of providing a sufficient record on appeal from which this court can make an intelligent review.").

On or before August 12, 2024, Appellant shall file and serve an amended record on appeal that complies with Rule 210 of the South Carolina Appellate Court Rules. Failure to comply will result in dismissal.



FOR THE COURT

Columbia, South Carolina

cc:
Stephen Mueller
Bradley David Churdar, Esquire
Mary Duncan Shahid, Esquire
Angelica M. Colwell, Esquire

FILED
Jul 24 2024