

**APPELLANT'S OBJECTION TO DESIGNATION OF MATTER FOR INCLUSION IN
THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2020-CP-1003397

Michele Graham, Michael Graham, and Tammy Graham, Plaintiffs,

v.

Mark Ciaburri, Adrienne Ciaburri, Crista Hoffman, Heather Cumbee, and Shelby Walker,
Defendants,

of whom Michele Graham is the Appellant, and Mark Ciaburri and Adrienne Ciaburri are the
Respondents.

**OBJECTION TO DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON
APPEAL**

Michele Graham
1661 Babington Way
Mount Pleasant, SC 29464
843-532-7252
Appellant
September 30, 2024

Other Counsel of Record:
Edward Corvey, III, Esq.
815 Savannah Highway, Unit 201
Charleston, South Carolina, 29407

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INTRODUCTION

Appellant Michele Graham respectfully objects to certain irrelevant and duplicative designations made by the Respondent for inclusion in the record on appeal.

DUPLICATIVE AND IRRELEVANT MATERIAL

1. **Small Claims Court Summons and Complaint, filed July 2, 2020** - This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.
2. **Small Claims Court Answer, filed July 30, 2020** – This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.
3. **Small Claims Motion to Dismiss pursuant to 12(b)(8), August 2020** - This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.
4. **Small Claims Order on Dismissal, filed August 28, 2020** - This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.
5. **Common Pleas Summons and Complaint, filed August 5, 2020; Common Pleas Amended Summons and Complaint, filed August 31, 2020** - The inclusion of both the original complaint and the amended complaint is duplicative. The amended complaint supersedes the original and is the operative pleading in this matter. Including both documents is unnecessary and redundant.
6. **Common Pleas Motion for Temporary Injunction, filed August 14, 2020; Common Pleas Amended Motion for Temporary Injunction, filed September 2, 2020** - The

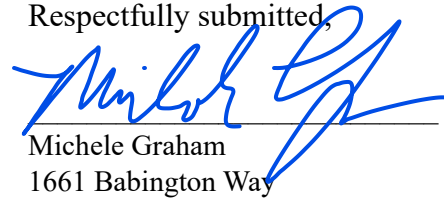
inclusion of both the original motion and the amended motion is duplicative. The amended motion supersedes the original and is the operative motion in this matter. Including both documents is unnecessary and redundant.

7. **Common Pleas Order Denying Motion to Dismiss for Lack of Jurisdiction, filed August 21, 2021** - This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.
8. **Magistrate Order for directed verdict and resolution of all claims, July 2024** – This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.
9. **Common Pleas Motion for Summary Judgement, filed September 16, 2020** - This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.
10. **Common Pleas Motion to Dismiss for lack of Jurisdiction, filed April 16, 2021** - This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.
11. **Small Claims Remotion for Summary Judgement, filed June 4, 2024** - This is irrelevant to the issue of the circuit court awarding attorney's fees based on a writ of mandamus prevailing party status.

CONCLUSION

Appellant respectfully requests that this Court exclude the foregoing materials from the record on appeal, as the appellate record should be limited to the relevant and necessary matters from the circuit court proceedings for a fair and efficient review by the appellate court.

Respectfully submitted,



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PROOF OF SERVICE

I certify that I have served the Appellant's Objection to Designation of Matter on Mark and
Adrienne Ciaburri by depositing a copy of it in the United States Mail, postage prepaid, on
September 30, 2024 addressed to their attorney of record, Edward Corvey, III at his office at 815
Savannah Hwy, # 201, Charleston, South Carolina 29407.



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