

The South Carolina Court of Appeals

Synchrony Bank, Appellant,

v.

Michael Hudson, Respondent.

Appellate Case No. 2024-000280

ORDER

On July 12, 2024, this court denied Respondent's motion to dismiss the appeal. Therefore, this court takes no action on Respondent's petition to rehear the denial of its motion to dismiss the action. *See* Rule 221(c), SCACR ("The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal."). However, we grant Respondent's alternative motion to strike Appellant's initial brief. *See* Rule 208(b)(4), SCACR ("The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [see Rule 210(c)] to support the salient facts alleged. References shall also be made to where relevant objections and rulings occurred in the transcript. In the initial briefs, these references should be to the page and line number of the transcript prepared by the court reporter or by the page of the material to be referenced . . ."); Rule 209(a), SCACR ("At the same time a party serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter to be Included in the Record on Appeal which shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal."). Appellant's amended initial brief and designation of matter shall be served and filed within twenty days from the date of this order. Respondent may file an amended initial brief and designation of matter within thirty days of service of Appellant's amended initial brief and designation of matter.

In light of this court's decision to strike Appellant's initial brief, Appellant's motion to file the record on appeal outside of time is denied. After Appellant serves and files his amended initial brief and designation of matter and Respondent serves his amended initial brief and designation of matter—should Respondent choose to do so—then Appellant must serve and file a record on appeal that complies with this court's rules. *See* Rule 210(c), SCACR ("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.").


_____. J.
FOR THE COURT

Columbia, South Carolina

cc:
Wesley D. Dail, Esquire
Jason Scott Luck, Esquire

FILED
Oct 16 2024