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Nov 25 2024

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS
The Honorable Bentley D. Price
Circuit Court Judge

Appellate Case No. 2024-000350

Michele Graham,.....Appellant,

v.

Mark Ciaburri and Adrienne T. Ciaburri,Respondents

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

I, Michele Graham, the Appellant in this case, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief.

On August 19, 2024, the Respondents filed their Designation of Matter, which included numerous items that were neither presented to the lower court nor relevant to the rulings under appeal. On September 30, 2024, I filed an objection to the inclusion of these items in the Record on Appeal pursuant to S.C. Ct. App. Rules 209 and 210.

The items objected to are duplicative or have no bearing on the appellate issues under review. Specifically:

1. Irrelevant Materials:

Several items, including documents from the small claims court proceedings and unrelated procedural filings, were part of separate matters that have no relevance to the rulings currently on appeal. For example, the magistrate Order for directed verdict dated July 8, 2024, pertains to a jury trial in magistrate court, which occurred long after the circuit court issued the orders under appeal in 2021 and February 2024. This document is entirely unrelated to the appellate issues concerning the circuit court's award of attorney's fees or the re-characterization of the Appellant's motion as a writ of mandamus.

2. Duplicative Materials:

Respondents included both original and amended versions of certain pleadings and motions, such as the initial complaint and the amended complaint, as well as the original and amended motions for a temporary injunction. The amended filings supersede the originals and are the operative documents. Including both versions is redundant and unnecessarily expands the record.

3. Procedurally Unrelated Documents:

Materials such as motions for jurisdiction, status conference requests, and other filings related to procedural matters in magistrate court do not pertain to the substantive issues under appellate review. For example, the Small Claims Motion to Dismiss (August 2020) and the Small Claims Remotion for Summary Judgment (June 2024) relate to separate proceedings outside the scope of the circuit court's rulings under appeal.

Including these extraneous materials would dilute the appellate record, distract from the substantive issues under review, and impose unnecessary costs and burdens in preparing the Record on Appeal.

My objection is based on ensuring compliance with S.C. Ct. App. Rules 209 and 210, which require that the appellate record be limited to matters relevant to the appeal and presented to the lower court. By excluding these irrelevant and extraneous materials, I am seeking to preserve the integrity of the record and facilitate a focused judicial review of the issues currently before the Court.

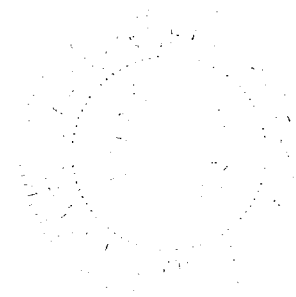
I declare under the penalty of perjury that the foregoing is true and correct.

STATE OF South Carolina
COUNTY OF Charleston

Sworn to (or affirmed) and subscribed before me
this 25th day of November, 2024, by _____

Maya Hollinshead Notary Public's Signature
My Commission Expires on 1/31/24
Maya Hollinshead Notary Name

Michele Graham
Michele Graham
Appellant
11/25/2024



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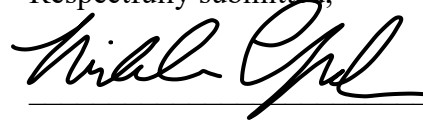
PROOF OF SERVICE

I, Michele Graham, hereby certify that I have served the *Affidavit in Support of Opposition to the Designation of Matter for the Record on Appeal* via email and U.S. Mail at:

ted@corveylawfirm.com

Corvey Law Firm
815 Savannah Hwy, #201
Charleston, SC 29405

Respectfully submitted,



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Appellant

November 25, 2024