

The South Carolina Court of Appeals

Takara Stewart, Claimant, Appellant,

v.

South Carolina CVS Pharmacy, LLC, Employer, and XL
Insurance America, Inc., Carrier, Respondents.

Appellate Case No. 2023-001264

ORDER

On August 1, 2024, Appellant filed her initial brief and designation of matter. On August 19, 2024, Appellant filed a document titled "Table of Contents," which proposed to include additional matter in the record on appeal. Because this court did not issue an order allowing Appellant to amend her designation of matter, this court considered only the matter designated in her August 1, 2024 filing as Appellant's designation of matter. On October 30, 2024, Respondents filed their designation of matter. On November 20, 2024, Appellant filed a document titled "Designation of Matter" along with her final brief. On December 4, 2024, this court sent a letter to Appellant explaining that the South Carolina Appellate Court Rules do not permit a designation of matter to be filed with a final brief.

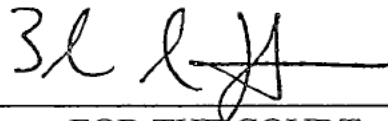
On December 2, 2024, Appellant filed the record on appeal. This document includes matter not designated and fails to include matter that was designated. On December 11, 2024, Appellant filed a second record on appeal, which is virtually identical to the December 2, 2024 record on appeal in that it also includes matter not designated and fails to include matter that was designated.

On December 9, 2024, Respondents filed a motion to dismiss the appeal, or, in the alternative to strike the record on appeal because it contains matter that was not designated and fails to include matter that was designated. Appellant filed a return, opposing the motion to dismiss the appeal, or, in the alternative to strike the record on appeal. Although Appellant stated the exclusion of Respondents' designation of matter was "mere oversight," she also maintained the record on appeal was

"consistent" with the South Carolina Appellate Court Rules. Respondents filed a reply.

On December 11, 2024, Appellant filed a "Motion Designation of Matter Specified." We construe this motion as a motion to amend Appellant's designation of matter. It appears Appellant would like to designate all matter listed in her designation of matter filed on August 1, all matter listed in her "Table of Contents" filed on August 19, and all matter listed in her designation of matter filed on November 20, 2024. Respondent filed a return on December 20, 2024, opposing Appellant's motion. After careful consideration, we deny Appellant's motion to amend the designation of matter. Only Appellant's designation of matter filed on August 1, 2024, will be considered as Appellant's designation of matter.

After careful consideration of the filings, we deny Respondents' motion to dismiss. However, we grant Respondents' motion to strike. We strike the record on appeal filed on December 2, 2024, and the record on appeal filed on December 11, 2024. Within fifteen days of the date of this order, Appellant must serve and file an amended record on appeal that complies with Rule 210 of the South Carolina Appellate Court Rules. *See* Rule 210, SCACR (detailing the necessary elements of the record on appeal). Twenty days after the service and filing of the amended record on appeal, the parties shall serve and file their final briefs. Failure to comply will result in dismissal.



FOR THE COURT

Columbia, South Carolina

FILED
Jan 14 2025

cc:

Takara Stewart

Michelle Deluca Yarbrough, Esquire