

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 January 14, 2025, this court issued an order denying Respondents' motion to dismiss the appeal and granting Respondents' motion to strike the record on appeal filed on December 2, 2024, and the record on appeal filed on December 11, 2024, because these records did not comply with Rule 210 of the South Carolina Appellate Court Rules.¹ This court ordered Appellant to serve and file an amended record on appeal that complied with Rule 210 within fifteen days. On January 30, 2025, Appellant filed an amended record on appeal; however, the amended record on appeal fails to comply with Rule 210 because it includes items not designated and not submitted to the lower tribunal and fails to include all items designated by Respondent. After careful consideration, we dismiss this appeal because Appellant has failed to comply with Rule 210. *See* Rule 260(a), SCACR ("Whenever it

¹ On March 28, 2024, we denied Respondents' motion to dismiss the appeal; however, we granted Respondents' motion to strike improper portions of Appellant's initial brief and designation of matter because those portions did not comply with Rules 208 and 209 of the South Carolina Appellate Court Rules. We allowed Appellant to file an amended initial brief and designation of matter. On July 12, 2024, we denied Respondents' motion to dismiss the appeal; however, we granted Respondent's motion to strike Appellant's initial brief and three items from Appellant's designation of matter for failing to comply with Rules 208, 209, and 210 of the South Carolina Appellate Court Rules. We allowed Appellant to file an amended initial brief and designation of matter.

appears that an appellant or a petitioner has failed to comply with the requirements of these [r]ules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court."); Rule 210(c), SCACR ("The [r]ecord on [a]ppeal shall include all matter designated to be included by any party under Rule 209 . . ."); Rule 210(c), SCACR ("The [r]ecord shall not, however, include matter which was not presented to the lower court or tribunal."). Remittitur will issue in accordance with Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

cc:
Takara Stewart
Michelle Deluca Yarbrough, Esquire

FILED
Feb 27 2025
