

The South Carolina Court of Appeals

Litchfield Plantation Association, Inc., Joseph E. Johnston, Thomas Eckard, Carol E. Kirby, Robert F. McMahan, Jr., and Thomas Martin Phillips, Appellants,

v.

Litchfield Plantation Company, Inc., and E. Scott Trotter, Respondents.

Appellate Case No. 2012-212842

ORDER

Appellants filed a motion to strike portions of the Respondents' designation of the matter to be included in the record on appeal. Respondents filed a return and Appellants filed a reply. After careful consideration of the motion, this court finds the complaint filed in civil action number 2013-CP-22-0598 was not presented to the trial court and shall be struck from the designation of matter. *See* Rule 210(c), SCACR ("The [r]ecord shall not, however, include matter which was not presented to the [trial] court . . ."). In addition, we strike all references to the complaint from Respondents' initial brief. *See* Rule 208(b)(4) ("The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the [r]ecord on [a]ppeal . . ."). Respondents must serve and file their amended initial brief and designation of matter within thirty days of the filing of this order.

Appellants also filed a motion for an extension to file their initial reply brief. This motion is granted. Appellants shall serve and file their initial reply brief within ten days of receiving Respondents' amended initial brief and designation of matter.

 AS
FOR THE COURT

FILED
9/30/13

Columbia, South Carolina

cc:

Timothy W. Bouch

Michael S. Seekings

Mark David Neill

Robert S. Shelton

Yancey Alford McLeod, III