



THE PHILLIPS FIRM, LLC
ATTORNEY & COUNSELOR AT LAW

Via Email Only

Appellant Eric Ragsdale
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RECEIVED

May 27 2025

SC Court of Appeals

7 May 2025

RE: Errors in Your Designation of Matters to be Included on Appeal

Mr. Ragsdale,

I just received your **Designation of Matters** in the mail. It contains material that was not presented to the trial court during the February 6, 2024 Motion to Compel hearing you are appealing from. The Record on Appeal cannot contain material not presented to the trial court during the relevant hearing leading to the ruling you are appealing from pursuant to Rule 210(c) of the South Carolina Rules of Appellate Practice. Specifically, you improperly seek to include material that was not present to, nor considered by, Judge Bentley Price during the February 6th hearing including Item #5 Rule to Show Cause Exhibits, Item #6 Plaintiff's Discovery Responses and Item #8 Emergency Notice of Motion and Motion of Defendant to Quash Plaintiffs Motion to Compel. I ask that you remove them from the Designation and Record.

As for Item #5, the only "exhibits" filed for the February 6th Hearing were those attached to the Plaintiff's Motion to Compel and Reply to Defendant's Request for ADR Sanctions. The exhibits you seek to include in the record seem to be from some other filing and therefore can not be a part of the record per Rule 210(c) because they were not considered by Judge Price.

As for Item #6, the February 6th hearing concerned compelling discovery responses from you, the defendant in the matter. Plaintiff's discovery responses were raised to the Court and therefore can not be included in the record of this appeal per Rule 210(c).

Lastly, as for Item #8, you did not file any response to Plaintiff's Motion to Compel. As noted in the first paragraph of Judge Price's order, you emailed a document styled an Emergency Motion to the Court on the night preceding the February 6th hearing, but it was not admitted during the hearing because it was not properly filed with the court or served on the Plaintiff. You can not add material not before the trial judge to the record on appeal pursuant to Rule 210(c).

Please remove Items 5, 6, and 8 from the Designation; otherwise, I shall seek to have the Designation stricken.

Sincerely,

Robert B. (Sam) Phillips

cc: Court of Appeals (ctappfilings@sccourts.org)

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