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Aug 21 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
Maite Murphy, Circuit Court Judge

Appellate Case No. 2025-000108
Case No.: 2023-CP-38-00331

Serge R. Wandji.....Appellant,

v.

The Regional Medical Center.....Respondent,

**MOTION TO MODIFY THE RECORD ON APPEAL
AND HOLD TIME IN ABEYANCE**

The above-named Respondent, by and through its undersigned counsel, in accordance with Rule 210, SCACR, hereby respectfully requests that the Court issue an order directing Appellant to modify the Record on Appeal based upon the following:

1. In accordance with Rule 210(c), SCACR, “[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209. . . . arranged in the following order: orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents.”

2. The Record on Appeal, filed by Appellant on August 7, 2025, is not properly organized as set forth by Rule 210(c), SCACR.

3. In addition, the Record on Appeal contains numerous substantive errors, including the exclusion of designated documents in their entirety, the exclusion of parts of designated documents, and the inclusion of documents not properly designated by either party. Specifically, the Record on Appeal contains the following errors:

Error #1:

i. Respondent's Designation of Matter requests the inclusion of the Circuit Court's Order granting Defendant's Motion for Partial Dismissal, filed on June 22, 2023 ("Dismissal Order").

ii. The Dismissal Order is included in the Record on Appeal at ROA #5, pages 29-30. However, rather than include a complete copy of the filed Order, Appellant only included the lower court's notice of electronic filing of the Order. The actual Dismissal Order is not included in the Record on Appeal. The Record on Appeal must be supplemented with a complete copy of the filed Order.

Error #2:

i. Respondent's Designation of Matter requests the inclusion of Defendant's Memorandum in Support of the Motion for Summary Judgment, including all exhibits, filed on November 13, 2024 ("Defendant's Summary Judgment Brief").

ii. The Defendant's Summary Judgment Brief is included in the Record on Appeal at ROA #15, pages 94-166. However, rather than include an unadulterated, filed copy of the Memorandum and exhibits, Appellant changed the order of exhibits 8 - 10, which appear on pages 157 - 160 of the Record on Appeal, and removed the exhibit cover pages for exhibits 9 and 10 of the Memorandum. Defendant's Summary Judgment Brief with all exhibits must be included in the Record on Appeal as it was filed in the lower court and without modification.

iii. In addition to the foregoing, exhibit 11 of the Memorandum, which appears on page 162 of the Record on Appeal, is illegible even though the exhibit filed with the lower court was legible. A legible copy of exhibit 11, as filed with the lower court, must be included in the Record on Appeal.

Error #3:

i. In their respective designations of matter to be included in the record on appeal, both Respondent and Appellant request the inclusion of the circuit court's Order Granting Defendant's Motion for Summary Judgment, filed on January 15, 2025 ("Order Granting Summary Judgment").

ii. The Order Granting Summary Judgment is included in the Record on Appeal at ROA #20, pages 201-215. However, rather than include an unadulterated, filed copy of the relevant Order in the Record on Appeal, Appellant appears to have inserted additional documents within the filed copy of the Order, specifically pages 211-212 and 215 of the Record on Appeal. The Order Granting Summary Judgment must be included in the Record on Appeal without modification.

iii. Additionally, the date included in the index of the Record on Appeal is incorrectly noted as December 15, 2025, rather than January 15, 2025. This error must be corrected.

Error #4:

i. Appellant's Amended Designation of Matter requests the inclusion of the circuit court's Form 4 Order granting Plaintiff's Motion to Compel in part, filed by Judge Thomas W. McGee III on November 5, 2024 ("Form 4 Order on Motion to Compel").

ii. The Form 4 Order on Motion to Compel is included in the Record on Appeal at ROA #21, pages 216-221. However, rather than include an unadulterated, filed copy of the

relevant Order in the Record on Appeal, Appellant appears to have inserted additional documents within the filed copy of the Order, specifically on pages 219-221 of the Record on Appeal. The Form 4 Order on Motion to Compel must be included in the Record on Appeal without modification.

Based on the foregoing, Respondent respectfully requests that this Court issue an order requiring Appellant to:

- (1) modify the Record on Appeal to be properly organized in accordance with Rule 210(c);
- (2) include a filed copy of the circuit court's Order granting Defendant's Motion for Partial Dismissal, filed on June 22, 2023;
- (3) include an unadulterated, legible, filed copy of Defendant's Memorandum in Support of the Motion for Summary Judgment, including all exhibits, filed on November 13, 2024;
- (4) include an unadulterated, filed copy of the circuit court's Order granting Defendant's Motion for Summary Judgment, filed on January 15, 2025, and
- (5) include an unadulterated, filed copy of the circuit court's Form 4 Order granting Plaintiff's Motion to Compel in part, filed by Judge Thomas W. McGee III on November 5, 2024.

Respondent further respectfully requests that the time for filing Respondents' Final Brief under Rule 211, SCACR, be held in abeyance until such time as the Court rules on the subject Motion, and Appellant properly modifies the Record on Appeal.

Respectfully submitted,

s/Amanda C. Williams

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ATTORNEYS FOR RESPONDENT

August 21, 2025
Charleston, South Carolina

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
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Maite Murphy, Circuit Court Judge

Appellate Case No. 2025-000108
Case No.: 2023-CP-38-00331

Serge R. Wandji.....Appellant,

v.

The Regional Medical Center.....Respondent,

PROOF OF SERVICE

The undersigned hereby certifies that we served the above-named Appellant, Serge R. Wandji, with a copy of the attached **MOTION TO MODIFY THE RECORD ON APPEAL AND HOLD TIME IN ABEYANCE**, this 21st day of August 2025, by electronic mail and U.S. mail, as follows:

Serge R. Wandji
579 Folly Road, P.O. Box 12112
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August 21, 2025

VIA FEDERAL EXPRESS and EMAIL: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
Aug 21 2025
SC Court of Appeals

Re: ***Serge R. Wandji v. The Regional Medical Center***
Appellate Case No.: 2025-000108
Trial Court Case No.: 2023-CP-38-00331

Dear Mrs. Kitchings:

Enclosed please find Respondent's Motion to Modify the Record on Appeal and Hold Time in Abeyance, our Proof of Service, and Check No. 523779 in the amount of \$50.00 in satisfaction of the filing fee.

Should you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

Amanda C. Williams

Enclosures

cc: Serge R. Wandji (via electronic mail and U.S. Mail)