

RECEIVED

Aug 29 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

Appellate Case No. 2025-000860

Ina Shtukar Steinberg,

Appellant,

v.

SC Property,

Respondent.

**APPELLANT'S RESPONSE IN OPPOSITION TO
RESPONDENT'S MOTION TO STRIKE DESIGNATION OF MATTER**

August 29, 2025

s/ Ina S. Steinberg
Ina Shtukar "Steinberg" Esquire
SC Bar No.105916
1687 Saybrook Court
Rock Hill, SC 29732
(704)-309-0992
ina@blackandwhiteimmigrationlaw.org
ATTORNEY FOR APPELLANT

Appellant respectfully opposes Respondent's motion to strike because, as will be discussed in more detail below, (1) Respondent's request is patently unsupported by good cause, (2) Respondent is represented by two (3) attorneys and both parties had ample opportunity to soft-start their briefs, (4) Respondent demonstrated habitual use of motions to continue and persistent lack of due diligence at the circuit court level, (5) Respondent's procedural gamesmanship is one of the issues raised on appeal, and (5) an extension would prejudice the undersigned.

As relevant procedural context, one of the issues raised in this appeal is whether the circuit court abused its discretion in rejecting Plaintiff's procedural objection to untimely served summary judgment materials filed and served 18 hours before the hearing. *See* AIB. In response to Plaintiff's motion for summary judgment supported by 11 Exhibits and Plaintiff's affidavit, filed on February 10, 2025, Defendant made a filing deceptively titled "Notice of Motion and Motion for Summary Judgment," on March 3, 2025, nine (9) days before the hearing. D's Notice of MSJ. On March 11, 2025, 18 hours before the hearing, Defendant made another filing titled "Cross Motion for Summary Judgment," which was supported by four (4) exhibits. D's MSJ; T at 4. Plaintiff objected to the summary judgment materials filed and served in violation of Rule 6 and 56 of SCRCP, however, the circuit court rejected the objection and considered the summary judgment materials, despite the obvious prejudice to Plaintiff. On April 10, 2025, after the circuit had already granted Defendant's cross-motion for summary judgment, the circuit court docketed Defendant's cross-motion to be heard on May 5, 2025. *See* Electronic Notice of Hearing; and Clerk's April 30 email as **Exhibit 1**. Due to the resulting confusion, both Plaintiff and Defendant contacted the court seeking a clarification. *Id.* The circuit court responded on April 30, 2025, indicating that Defendant's filings were interpreted as two separate motions for summary

judgment, which is why the court scheduled the cross-motion filed only 18 hours before the hearing for another hearing. *Id.* On August 18, 2025, Appellant designated the electronic Notice of Hearing and the relevant emails to be included in the Record on Appeal. Respondent now moves to strike this designation, arguing that materials were “not presented to the lower court or tribunal.” *See* MTS¹. As will be explained below, Respondent’s strained overly strict construction of Rule 210(c) misapprehends the nature of the prohibition.

First, “the appealing party has the burden of furnishing a sufficient record from which this court can make an intelligent review.” *Hamilton v. Greyhound Lines E.*, 281 S.C. 442, 444, 316 S.E.2d 368, 369 (1984). Second, the materials Respondent seeks to exclude from the Record on Appeal are comprised of the electronically generated circuit court Notice of Hearing scheduled in connection with Respondent’s motion, which the trial court had already before the hearing was even scheduled, and both parties’ emails to the circuit court concerning said Notice of Hearing. *See* Exhibit 1. Rule 210(c) states that “[t]he Record shall not, however, include matter which was not presented to the lower court or tribunal.” SCRAP 210. Obviously, a Notice of Hearing generated by the court itself does not fall under this prohibition, or the parties would not be able to include court’s orders in the record either, since orders are not technically “presented to the lower court or tribunal.” *Id.* For instance, at the federal level, an appellant must include a docket statement in the record on appeal, which documents every procedural development that took place below. *See* Fed. R. App. P. 10(a)(2). Thus, any document issued by

¹ Similar to Respondent’s motion to extend its briefing deadline, Respondent notes that the undersigned did not respond to its demand to amend the Designation of Matter to exclude relevant materials properly designated by the undersigned. Because the Rules do not require Respondent to either contact the undersigned or state her position in a motion, Respondent’s remarks are meaningless and aim at presenting the undersigned as uncooperative. However, the undersigned had no duty to respond to a baseless request to exclude relevant materials properly included in the Record on Appeal, especially given Respondent’s history of procedural gamesmanship. *See* AIB.

the court itself in connection with the case, such as procedural notices, can be properly designated to be included within the record on appeal. The prohibition clearly aims at the underlying facts and any attempt to sneak in evidentiary materials not properly presented to the lower court to support the merits of the claim, not at evidence of procedural developments that took place below.

Next, and even more fundamentally, one of the issues on appeal is the trial court's abuse of discretion in rejecting Plaintiff's procedural objection properly raised below based on the untimeliness of Respondent's service of its summary judgment materials, to the extent its cross-motion and supporting exhibits were served 18 hours before the hearing, scheduled in connection with Plaintiff's motion for summary judgment. The fact that the circuit court set Respondent's cross-motion for another hearing speaks volumes in terms of both Respondent's procedural gamesmanship and the arbitrary nature of the trial court's ruling on Plaintiff's warranted procedural objection. To have the Court consider this fact (i.e., the fact that the court scheduled a hearing after Judge McKinnon had already ruled on the motion), Appellant must include the Notice of Hearing, which is part of the procedural record. *See* Rule 210(h), SCACR ("[T]he appellate court will not consider any fact which does not appear in the Record on Appeal."). *See also Myers v. S.C. HHS*, 418 S.C. 608, 618, 795 S.E.2d 301, 306 (Ct. App. 2016). The Notice of Hearing is evidence not included as evidence related to the merits of the case, but evidence of procedural irregularities that occurred at the circuit court level in connection with this case. Thus, the Notice of Hearing was properly designated to be included in the record on appeal.

Similarly, the email sent by the clerk explained that the hearing was being set on Respondent's Cross-Motion for Summary Judgment, which the circuit court has already heard over Plaintiff's objection. *See* Exhibit 1. This type of matter does not fall under the prohibition to

the extent it relates solely to the procedural developments that took place below at the direction of the court. SCRAP 210. Lastly, defense counsel’s email concerning the Notice of Hearing was *sent to the court* (albeit the clerk’s office, which nonetheless is part of the tribunal), or, put differently, said email was “presented to the court or tribunal.” *Id.* Notably, the rule does not state that matter must have been presented to the judge presiding over the motion. *Id.* In short, Respondent’s motion to strike the designation has no merit and rests on defense counsel’s artificially strict reading of the Rule, which distorts the nature of the prohibition. *Id.*

For the reasons stated above, Appellant respectfully opposes Respondent’s Motion to strike the designation. The materials were properly designated because Rule 210(c) prohibition does not apply to either procedural notices issued by the circuit court, circuit court’s explanations for issuing a notice of hearing, or defense attorney’s email sent to the circuit court in connection with the notice of hearing.

Respectfully submitted,
August 29, 2025.

s/ Ina S. Steinberg
Ina Shtukar “Steinberg” Esquire
SC Bar No.105916
1687 Saybrook Court
Rock Hill, SC 29732
(704)-309-0992
ina@blackandwhiteimmigrationlaw.org
ATTORNEY FOR APPELLANT



EXHIBIT 1

Ina S. Steinberg Esq. <ina@blackandwhiteimmigrationlaw.org>

Motion "MSUMJM-Motion/Summary Judgment" for Case "2024CP4601308-Ina Shtukar Steinberg , plaintiff, et al VS Sc Property And Casualty Insurance Guaranty Association , defendant, et al" was added to a Motions Roster for 5/5/2025 at 9:00 AM

8 messages

Courtmail46_DoNotReply@sccourts.org <Courtmail46_DoNotReply@sccourts.org>

Thu, Apr 10, 2025 at 11:12 AM

To: ina@blackandwhiteimmigrationlaw.org

PLEASE NOTE: You have a VIRTUAL motion hearing scheduled for Monday, May 5, 2025. Go to sccourts.org approx. 5 minutes prior to your scheduled hearing. On the home page, choose the Courts Tab at the top of the page; Choose Circuit Court under Trial Courts; Choose Judges under Circuit Court heading; Choose Judge Thomas Rode from the list of judges and click on his Virtual Courtroom. If have any issues please e-mail me at lindsay.wiley@yorkcountygov.com

Thanks, Lindsay

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

Ina S. Steinberg Esq. &lt;ina@blackandwhiteimmigrationlaw.org&gt;

Thu, Apr 10, 2025 at 11:48 AM

To: lindsay.wiley@yorkcountygov.com

Good morning Lindsay:

This has to be a mistake, as the court has issued a summary judgment in this case.

Very truly yours,  
Ina Shtukar Steinberg, Esquire

**\*This office does not accept walk-ins. By appointment only.**

BLACK &amp; WHITE LAW, LLP



Licensed in North Carolina and South Carolina

BLACK &amp; WHITE LAW, LLP

[www.blackandwhiteimmigrationlaw.org](https://www.blackandwhiteimmigrationlaw.org)

1687 Saybrook Court

Rock Hill, SC 29732

704-309-0993 or 704-309-0992

[ina@blackandwhiteimmigrationlaw.org](mailto:ina@blackandwhiteimmigrationlaw.org)

*Effective April 1, 2024, USCIS has increased filing fees. The increases are based on visa category and company size/non-profit status. The new fees can be found here: <https://www.uscis.gov/sites/default/files/document/forms/g-1055.pdf>*

CHANGE OF ADDRESS: All non-immigrants and permanent residents are required to notify the USCIS of their address change within 10 days; see: [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange)

I-94 RECORD: Every non-citizen should obtain a copy of their I-94 upon entering the US to confirm its accuracy. Use this link to access, print and retain your CBP I-94 record:

<https://i94.cbp.dhs.gov/home>

CONFIDENTIALITY NOTICE: The information contained in this transmittal is legally privileged and confidential information intended only for the use of the individual or entity to which it was intended to be directed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmittal is strictly prohibited. If you receive this transmittal in error, please immediately notify us by reply email and delete the original transmittal. Thank you.

[Quoted text hidden]

---

**Ina S. Steinberg Esq.** <[ina@blackandwhiteimmigrationlaw.org](mailto:ina@blackandwhiteimmigrationlaw.org)>

Fri, Apr 11, 2025 at 10:35 AM

To: Courtmail46\_DoNotReply@sccourts.org

Cc: Mary LaFave <[mary@crowelafave.com](mailto:mary@crowelafave.com)>

Good morning Lindsay:

I believe this notice was issued erroneously, to the extent the trial court has already issued a summary judgment in this matter. I have copied defense counsel. Please advise.

Very truly yours,  
Ina Shtukar Steinberg, Esquire

**\*This office does not accept walk-ins. By appointment only.**



BLACK & WHITE LAW, LLP

**Licensed in North Carolina and South Carolina**

BLACK & WHITE LAW, LLP

[www.blackandwhiteimmigrationlaw.org](http://www.blackandwhiteimmigrationlaw.org)

1687 Saybrook Court

Rock Hill, SC 29732

704-309-0993 or 704-309-0992

[ina@blackandwhiteimmigrationlaw.org](mailto:ina@blackandwhiteimmigrationlaw.org)

*Effective April 1, 2024, USCIS has increased filing fees. The increases are based on visa category and company size/non-profit status. The new fees can be found here: <https://www.uscis.gov/sites/default/files/document/forms/g-1055.pdf>*

CHANGE OF ADDRESS: All non-immigrants and permanent residents are required to notify the USCIS of their address change within 10 days; see: [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange)

I-94 RECORD: Every non-citizen should obtain a copy of their I-94 upon entering the US to confirm its accuracy. Use this link to access, print and retain your CBP I-94 record:

<https://i94.cbp.dhs.gov/home>

CONFIDENTIALITY NOTICE: The information contained in this transmittal is legally privileged and confidential information intended only for the use of the individual or entity to which it was intended to be directed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmittal is strictly prohibited. If you receive this transmittal in error, please immediately notify us by reply email and delete the original transmittal. Thank you.

[Quoted text hidden]

---

**Mary LaFave** <mary@lafavebagley.com>

Wed, Apr 30, 2025 at 1:19 PM

To: "lindsay.wiley@yorkcountygov.com" <lindsay.wiley@yorkcountygov.com>

Cc: "Ina S. Steinberg Esq." <ina@blackandwhiteimmigrationlaw.org>, Shelley Stafford <shelley@lafavebagley.com>

Lindsay,

I am just realizing that the email below from the Plaintiff may not have been delivered to you.

The motions in this matter that are currently scheduled for Monday, May 5, 2025, at 9am have already been heard and ruled on by the Court. Thus, I do not believe that there is any need for us to take up the Court's time next week. I am attaching the Court's Order on these motions for your ready reference.

Please advise if you need any additional information at this time to remove us from the docket.

Thank you!

Sincerely,



Mary D. LaFave

*LaFave Bagley, LLC*

Direct: 803.726.6756

---

**From:** Ina S. Steinberg Esq. <ina@blackandwhiteimmigrationlaw.org>

**Date:** Friday, April 11, 2025 at 10:36 AM

**To:** [Courtmail46\\_DoNotReply@sccourts.org](mailto:Courtmail46_DoNotReply@sccourts.org) <[Courtmail46\\_DoNotReply@sccourts.org](mailto:Courtmail46_DoNotReply@sccourts.org)>

**Cc:** Mary LaFave <mary@lafavebagley.com>

**Subject:** Re: Motion "MSUMJM-Motion/Summary Judgment" for Case "2024CP4601308-Ina Shtukar Steinberg , plaintiff, et al VS Sc Property And Casualty Insurance Guaranty Association , defendant, et al" was added to a Motions Roster for 5/5/2025 at 9:00 AM

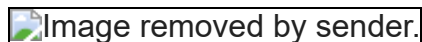
Good morning Lindsay:

I believe this notice was issued erroneously, to the extent the trial court has already issued a summary judgment in this matter. I have copied defense counsel. Please advise.

Very truly yours,

Ina Shtukar Steinberg, Esquire

**\*This office does not accept walk-ins. By appointment only.**



**Licensed in North Carolina and South Carolina**

BLACK & WHITE LAW, LLP

[www.blackandwhiteimmigrationlaw.org](http://www.blackandwhiteimmigrationlaw.org)

1687 Saybrook Court

Rock Hill, SC 29732

704-309-0993 or 704-309-0992

[ina@blackandwhiteimmigrationlaw.org](mailto:ina@blackandwhiteimmigrationlaw.org)

*Effective April 1, 2024, USCIS has increased filing fees. The increases are based on visa category and company size/non-profit status. The new fees can be found here: <https://www.uscis.gov/sites/default/files/document/forms/g-1055.pdf>*

**CHANGE OF ADDRESS:** All non-immigrants and permanent residents are required to notify the USCIS of their address change within 10 days; see: [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange)

**I-94 RECORD:** Every non-citizen should obtain a copy of their I-94 upon entering the US to confirm its accuracy. Use this link to access, print and retain your CBP I-94 record:

<https://i94.cbp.dhs.gov/home>

CONFIDENTIALITY NOTICE: The information contained in this transmittal is legally privileged and confidential information intended only for the use of the individual or entity to which it was intended to be directed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmittal is strictly prohibited. If you receive this transmittal in error, please immediately notify us by reply email and delete the original transmittal. Thank you.

[Quoted text hidden]

---

 **2025-04-04-Order Denying Pltf MSJ Granting Def MSJ-Shtukar.pdf**  
488K

---

**Wiley, Lindsay** <Lindsay.Wiley@yorkcountygov.com>  
To: Mary LaFave <mary@lafavebagley.com>

Wed, Apr 30, 2025 at 3:56 PM

Cc: "Ina S. Steinberg Esq." <ina@blackandwhiteimmigrationlaw.org>, Shelley Stafford <shelley@lafavebagley.com>, "Foster, Donna" <Donna.Foster@yorkcountygov.com>

Good Afternoon Ms. LaFave,

A Motion for Summary Judgment was filed by the defendant on 3/3/25 and a Motion for Summary Judgment was filed by the Plaintiff on 2/10/25 which were both heard and ruled on by Judge McKinnon on 3/12/2025. An additional Motion for Summary Judgment was filed by the defendant on 3/11/25 which is the hearing that is scheduled for 5/5/2025. Was this filed in error or should it have been an "Amended Motion"?

Respectfully,

Lindsay

**Lindsay Wiley**

[Sr. Court Coordinator](#)

[Common Pleas](#)

*Common Pleas*

*York County Government*

---

[Lindsay.Wiley@yorkcountygov.com](mailto:Lindsay.Wiley@yorkcountygov.com)

Phone:



CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not read, use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message. "Any information provided on this email, including any attachments, may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law."

**From:** Mary LaFave <mary@lafavebagley.com>

**Sent:** Wednesday, April 30, 2025 1:20 PM

**To:** Wiley, Lindsay <[Lindsay.Wiley@yorkcountygov.com](mailto:Lindsay.Wiley@yorkcountygov.com)>

**Cc:** Ina S. Steinberg Esq. <ina@blackandwhiteimmigrationlaw.org>; Shelley Stafford <shelley@lafavebagley.com>

**Subject:** Re: Motion "MSUMJM-Motion/Summary Judgment" for Case "2024CP4601308-Ina Shtukar Steinberg , plaintiff, et al VS Sc Property And Casualty Insurance Guaranty Association , defendant, et al" was added to a Motions Roster for 5/5/2025 at 9:00 AM

[Quoted text hidden]

---

**Mary LaFave** <mary@lafavebagley.com>

To: "Wiley, Lindsay" <[Lindsay.Wiley@yorkcountygov.com](mailto:Lindsay.Wiley@yorkcountygov.com)>

Cc: "Ina S. Steinberg Esq." <ina@blackandwhiteimmigrationlaw.org>, Shelley Stafford <shelley@lafavebagley.com>, "Foster, Donna" <Donna.Foster@yorkcountygov.com>

Wed, Apr 30, 2025 at 4:07 PM

Thank you. You are correct - the filing on 3/11 was a memorandum in support amending the original filing on 3/3 and was not an additional motion to be scheduled. These matters have been resolved by the Court's Order and no additional hearings are necessary.

[Quoted text hidden]

---

**Wiley, Lindsay** <Lindsay.Wiley@yorkcountygov.com>

Wed, Apr 30, 2025 at 4:42 PM

To: Mary LaFave <mary@lafavebagley.com>

Cc: "Ina S. Steinberg Esq." <ina@blackandwhiteimmigrationlaw.org>, Shelley Stafford <shelley@lafavebagley.com>, "Foster, Donna" <Donna.Foster@yorkcountygov.com>

Thank you Ms. LaFave.

I have noted the case file and the motion roster. The hearing is cancelled.

Respectfully,

Lindsay

**Lindsay Wiley**

[Sr. Court Coordinator](#)

[Common Pleas](#)

*Common Pleas*

*York County Government*

---

[Lindsay.Wiley@yorkcountygov.com](mailto:Lindsay.Wiley@yorkcountygov.com)

Phone:



CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not read, use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message. "Any information provided on this email, including any attachments, may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law."

**From:** Mary LaFave <mary@lafavebagley.com>

**Sent:** Wednesday, April 30, 2025 4:07 PM

**To:** Wiley, Lindsay <Lindsay.Wiley@yorkcountygov.com>

**Cc:** Ina S. Steinberg Esq. <ina@blackandwhiteimmigrationlaw.org>; Shelley Stafford <shelley@lafavebagley.com>; Foster, Donna <Donna.Foster@yorkcountygov.com>

**Subject:** Re: Motion "MSUMJM-Motion/Summary Judgment" for Case "2024CP4601308-Ina Shtukar Steinberg , plaintiff, et al VS Sc Property And Casualty Insurance Guaranty Association , defendant, et al" was added to a Motions Roster for 5/5/2025 at 9:00 AM

---

[Quoted text hidden]

---

**Mary LaFave** <mary@lafavebagley.com>

Wed, Apr 30, 2025 at 4:43 PM

To: "Wiley, Lindsay" <Lindsay.Wiley@yorkcountygov.com>

Cc: "Ina S. Steinberg Esq." <ina@blackandwhiteimmigrationlaw.org>, Shelley Stafford <shelley@lafavebagley.com>, "Foster, Donna" <Donna.Foster@yorkcountygov.com>

Thank you kindly, Lindsay.

[Quoted text hidden]

**RECEIVED**

**Aug 29 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

---

Appellate Case No. 2025-000860

---

Ina Shtukar Steinberg,

Appellant,

v.

SC Property,

Respondent.

---

CERTIFICATE OF SERVICE

---

The undersigned hereby certifies that Appellant's Response in Opposition was served on all counsel of record by electronic mail addressed as follows:

LAFAVE BAGLEY, LLC  
Mary D. LaFave, Esquire  
Laura R. Baer, Esquire  
mary@crowelafave.com  
laura@crowelafave.com

August 29, 2025

s/ Ina S. Steinberg  
Ina Shtukar "Steinberg" Esquire  
SC Bar No.105916  
1687 Saybrook Court  
Rock Hill, SC 29732  
(704)-309-0992  
ina@blackandwhiteimmigrationlaw.org  
*ATTORNEY FOR APPELLANT*