

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY

COURT OF COMMON PLEAS

The Honorable Bentley D. Price

Circuit Court Judge

Trial Court Case No.: 2020-CP-1003397

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Appellate Case No. 2024-000350

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Michele Graham,.....Appellant,

v.

Mark Ciaburri and Adrienne T. Ciaburri, .....Respondents

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SECOND SUPPLEMENTAL MOTION TO STRIKE

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Appellant Michele Graham respectfully moves this Court pursuant to Rule 210(c), SCACR, to strike certain materials improperly designated by Respondents for inclusion in the Record on Appeal. In support of this motion, Appellant states as follows:

1. Respondents designated a “Memorandum in Support of Attorney’s Fees” for inclusion in the Record on Appeal. This document, however, was never filed in the circuit court and therefore cannot properly be made part of the appellate record.
2. Respondents also designated a written “Motion to Dismiss.” No written motion was ever filed. That motion was made orally during a hearing on Appellant’s summary judgment motion.

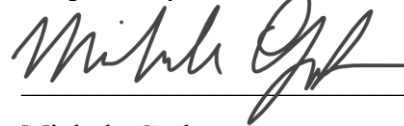
3. Because the above-referenced items were never filed in the lower court proceedings, they are not properly part of the record.

4. Appellant has filed the Record on Appeal omitting these two documents, with a footnote in the Index explaining that the items were never filed in the lower court. Out of an abundance of caution, Appellant now brings this Second Supplemental Motion to Strike so that the Court may formally rule on their exclusion.

#### CONCLUSION

Appellant respectfully requests that the Court strike the above-described designations from the Record on Appeal pursuant to Rule 210(c), SCACR and hold this matter in abeyance pending resolution of this motion.

Respectfully submitted,



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Appellant

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