

STATE OF SOUTH CAROLINA
In the Court of Appeals

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Sep 17 2025

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Joseph M. Strickland

SC Court of Appeals

Case No. 2021-CP-40-05596
Appellate Case No. 2025-000448

Kim Enterprises, LLC,

Respondent,

v.

Youmi Cho, K&C Beauty, LLC, and Sang Cho,

Appellants,

AND

Youmi Cho and K&C Beauty, LLC,

Appellants,

v.

Kim Enterprises, LLC and Tok Kim,

Respondents.

RETURN TO RESPONDENTS' MOTION TO STRIKE

Appellants Youmi Cho, K&C Beauty, LLC and Sang Cho (collectively "Appellants") file this Return to Respondents Kim Enterprises, LLC and Tok Kim's (collectively "Respondents") Motion to Strike Appellants' Designation of Matter to be Included in the Record On Appeal.

This matter was a bench trial. Traditional concerns about what documents a jury is allowed to review during deliberations are not at issue here. These demonstratives summarize voluminous documents and were presented to the Court at trial. There is no valid reason to now exclude these documents on appeal.

Respondents move the Court for an order striking “Defense Demonstratives 4, 8(a)” from Appellants’ Record on Appeal. Rule 210(c), SCACR, provides that

“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. **The Record shall not, however, include matter which was not presented to the lower court** or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, and **exhibits and other materials or documents**” (emphasis added).

Respondents argue that it is improper to include Demonstratives 4 and 8(a) in the Record on Appeal since Appellants did not enter these demonstratives as exhibits during the trial. However, Rule 210(c) does not require a matter be an exhibit for it to be included in the Record of Appeal. This is acknowledged by the plain language of Rule 210(c), which states that the matter contained in the Record of Appeal includes “exhibits and other materials or documents.” Instead, Rule 210(c) only requires that the matter be presented to the lower court. It is undisputed that Appellants presented Demonstratives 4 and 8(a) to the lower court during the trial of this matter. Therefore, it is proper for Demonstratives 4 and 8(a) to be included in the Record on Appeal.

Appellants can provide transcript cites to support the information reflected in Demonstratives 4 and 8(a). The purpose of these demonstratives being part of the Record is for ease of reference and to provide the Court with a convenient summary of multiple exhibits.

Therefore, there is no valid reason to exclude Demonstratives 4 and 8(a) from the Record on Appeal. As such, Appellants respectfully request that the Court deny Respondents' Motion to Strike.

Respectfully submitted,

s/ David L. Paavola

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PROOF OF SERVICE

I certify that the Appellants' Return to Respondents' Motion to Strike has been served on H. Freeman Belser and Creston W. Brown, counsel for Respondent Kim Enterprises, LLC and Tok Kim by email sent to their primary e-mail addresses listed in the Attorney Information System, freeman@belsarpa.com and creston@belsarpa.com, on September 17, 2025.

s/ David L. Paavola

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