

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

G.D. Morgan, Circuit Court Judge

Case No.: 2024-002011

**RECEIVED**  
**Dec 23 2025**  
**SC Court of Appeals**

Steven Maness.....Appellant,

v.

Gunter Heating & Air, LLC and Teddy L. Gunter.....Respondents.

**RESPONDENTS’ MOTION TO STRIKE**

Pursuant to Rule 210(c) of the South Carolina Appellate Court Rules (“SCACR”), Respondents Gunter Heating & Air, LLC and Teddy L. Gunter (“Respondents”), by and through their undersigned counsel, moves to strike certain portions of Appellant’s Designation of Matter from the Record on Appeal. Rule 210 (c), SCACR, provides that “[t]he Record shall not, however, include matter which was not presented to the lower court or tribunal.” In support of this motion, Respondents state as follows:

Appellant has now filed multiple Designations for inclusion in the Record on Appeal (herein “ROA”). Many of the documents that Appellant seeks to include in the

ROA are (1) not listed as required documents under Rule 209 or Rule 210(c), SCACR, and/or (2) were not included in the documents presented to Judge Morgan during the summary judgment motion at issue.

Respondents object to the inclusion of materials in the ROA that were not before Judge Morgan during the summary judgment motion hearing. Upon information and belief, Appellant has attempted to include numerous documents in the ROA that were never submitted to Judge Morgan during the subject hearing, or alternatively, were never filed with the lower court prior to the subject hearing. Specifically, Respondents moves to strike the following from the ROA:

1. Appellant's Motion to Compel, included as ROA0031-0032 in Appellant's submitted ROA. Respondents assert this prior motion is not relevant to this appeal, nor was the Motion presented to Judge Morgan during the hearing.
2. State Farm HVAC production documents-File, included as ROA0155-0204. These documents were never presented to Judge Morgan during the subject hearing, they were merely exchanged during discovery.
3. State Farm Claim No. 40-DI179-759-Dishwasher, included as ROA0205-0302. Respondents included only 24 pages of documents from the 2008 State Farm-Dishwasher claim as Exhibit F to Respondents' supporting memorandum. Appellant now seeks to introduce additional documents that were never presented to Judge Morgan during the hearing in question. These materials were merely exchanged during discovery.

4. Appellant-Response Photos, included as ROA0422-427. The materials were not presented to the circuit court in association with the instant action and were only exchanged during discovery in the lower court case.

Further, Respondents assert that *only* the following additional documents designated by Appellant, in addition to the documents previously designated by Respondents [See Respondents' Designation of Matter, dated July 10, 2025], are eligible for inclusion in the ROA:

1. Appellant's submitted affidavit of Warren Maddox, filed with the lower court on August 23, 2024 (10 pages);
2. Appellant's affidavit, filed with the lower court on August 26, 2024 (8 pages);
3. Judge Morgan's Order Granting Summary Judgment, filed on September 18, 2024 (7 pages);
4. Appellant's Motion to Reconsider, filed with the lower court on October 3, 2024 (32 pages). Respondents would note, however, that portions of Appellant's Motion to Reconsider include documents that were *not* presented to Judge Morgan during the hearing on Respondents' Motion for Summary Judgment, and therefore, should not be included in the ROA.

Respondents further request that Appellant place all exhibits to Respondents' Memorandum in Support of its Summary Judgment, filed August 30, 2024, *immediately after* its memorandum, as opposed to placing those materials elsewhere in the ROA.

The Appellant has been consulted regarding this matter, and he maintains his inclusion of the material. Accordingly, since these documents were either never submitted

to Judge Morgan during the subject hearing, or alternatively, were never filed with the lower court prior to the subject hearing, Respondents respectfully request that they be stricken from inclusion in the Record on Appeal.

Respectfully submitted,

s/ Charles O. Williams, III  
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