

The South Carolina Court of Appeals

Roberta Moore, Appellant,

v.

Rebecca Giesler, Respondent.

Appellate Case No. 2024-000557

ORDER

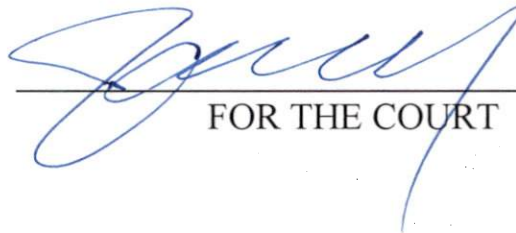
On March 31, 2025, Appellant filed the record on appeal. That same day, Respondent moved to dismiss, or in the alternative for an order striking the record on appeal because it was not organized properly, was missing matters designated by Respondent, and included matters not presented to the circuit court. Appellant filed a return, opposing the motion to dismiss, asserting all matters were presented to the circuit court except for a notarized statement on record on appeal page 144, and asking for leave to correct the record on appeal to add Respondent's missing designated matters. Respondent did not file a reply. Appellant also filed a separate motion asking this court to deny the motion to dismiss and to allow Appellant to correct the record on appeal to include matters listed in Respondent's designation of matter. Respondent did not file a return.

On June 20, 2025, the court denied Respondent's motion to dismiss and granted Appellant's motion to deny the motion to dismiss but granted Respondent's motion to strike the March 31, 2025 record on appeal and granted Appellant's motion to correct the record on appeal to the extent described herein. This court required Appellant to file an amended record on appeal that (1) included all matter designated by Respondent, (2) was organized as provided by Rule 210(c) of the South Carolina Appellate Court Rules, (3) contained correctly paginated pages, (4) did not include the notarized statement from page 144 of the record on appeal, nor any other matter not designated by either Respondent or Appellant in their respective designations of matter. The court cautioned that failure to comply with the order may result in the dismissal of the appeal.

On July 21, 2025, Appellant filed an amended record on appeal. On August 14, 2025, Respondent filed a motion to dismiss, arguing the amended record on appeal filed by Appellant failed to comply with this court's June 20, 2025 order and the South Carolina Appellate Court Rules. Specifically, Respondent contends the record on appeal still contains matter not designated by the parties, is missing matter designated by Respondent, and incorrectly lists exhibits to a motion. Appellant filed a return, opposing the motion. Respondent did not file a reply.

On August 25, 2025, Appellant filed a motion requesting this court deny Respondent's motion to dismiss and allow Appellant to correct the record on appeal to include matters designated by Respondent that were missing from the record on appeal. Respondent filed a return, opposing the motion, and Appellant filed a reply.

After careful consideration, we deny Appellant's motion requesting the court deny Respondent's motion to dismiss and to correct the record on appeal and grant Respondent's motion to dismiss on the basis Appellant failed to comply with this court's June 20, 2025 order and the South Carolina Appellate Court Rules. The remittitur will be sent as required by Rule 221(b) of the South Carolina Appellate Court Rules.


_____. J.
FOR THE COURT

Columbia, South Carolina

FILED
Jan 07 2026

cc:
Roberta Moore
Jennifer Michelle Cloud, Esquire