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Jan 16 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas G.D. Morgan, Circuit Court Judge

Trial Court Case No. 2021-CP-23-04620

Appeal Case No. 2024-002011

Steven Maness

Appellant

v

Gunter Heating & Air/Teddy L. Gunter, State Farm Fire and Casualty Co., Defendants,
Of which Gunter Heating & Air/Teddy L. Gunter are the Respondents.

APPELLANT'S RETURN TO MOTION (RESPONDENT'S MOTION TO STRIKE)

Appellant now submits his Return to Respondents' Motion to Strike, filed with this Court on December 23, 2025.

Appellant opposes the Motion in its entirety and respectfully requests that it be denied. The Motion seeks to strike certain portions of Appellant's Designation of Matter from the Record on Appeal (ROA) pursuant to Rule 210(c), South Carolina Appellate Court Rules on the grounds that such materials were allegedly not presented to the lower court or are irrelevant. However, as detailed below, the Motion is untimely, fails to account for the procedural history, relevance of the designated materials, ignores Appellant's good-faith efforts to resolve these issues through correspondence, and would cause undue prejudice to Appellant by necessitating substantial revisions to his already-filed Initial Brief and Reply Brief.

For clarity, Respondents seek to strike the following specific items from Appellant's ROA:

1. Appellant's Motion to Compel, included as ROA0031-0032.
2. State Farm HVAC production documents-File, included as ROA0155-0204.
3. State Farm Claim No. 40-DI179-759-Dishwasher (full file), included as ROA0205-0302 (Respondents seek to limit this to only the 24 pages attached as Exhibit F to their Memorandum in Support of Summary Judgment).
4. Appellant-Response Photos, included as ROA0422-427.

Respondents also assert that only limited additional documents are eligible for inclusion (beyond their own July 10, 2025 Designation) and request that exhibits to their August 30, 2024 Memorandum in Support of Summary Judgment be placed immediately after the Memorandum in the ROA. Appellant addresses these points in the arguments below.

ARGUMENT I: THE MOTION TO STRIKE APPELLANT’S MOTION TO COMPEL IS MOOT, AS THE COURT HAS ALREADY GRANTED APPELLANT’S MOTION TO AMEND THE DESIGNATION TO INCLUDE IT

Respondents seek to strike Appellant’s Motion to Compel (ROA0031-0032), asserting it is irrelevant and was not presented to Judge Morgan during the summary judgment hearing. However, this issue has already been resolved by this Court. On December 5, 2025, Appellant filed a Motion to Amend Designation of Matter to formally add both the Motion to Compel and the related Order Granting Motion to Compel (dated January 22, 2024). Respondents failed to file any return or opposition to that Motion. Accordingly, this Court granted Appellant’s Motion to Amend on December 16, 2025, without objection.

The Motion to Compel and Order are properly included under Rule 210(c), SCACR, as they were part of the lower court record, discussed during the summary judgment hearing before Judge Morgan, referenced in Appellant’s Motion to Reconsider, and integral to the issues on appeal. Excluding them now would contradict this Court’s prior ruling and prejudice Appellant’s ability to fully present the procedural context of the case.

ARGUMENT II: RESPONDENTS’ ENTIRE MOTION TO STRIKE IS UNTIMELY AND WAIVED

Respondents’ Motion to Strike, filed on December 23, 2025, comes far too late in the appellate process, violating principles of timeliness, fairness, and efficiency under the SCACR. Rule 210(c) requires that the ROA include only matters presented to the lower court but does not specify a strict deadline for motions to strike. However, appellate practice demands prompt objections to designations to avoid undue delay and prejudice, as implied by the overall structure of Rules 209-211, SCACR, which emphasize expeditious preparation of the record and briefs.

- **Timeline of Designations and Briefs:** Appellant served his Initial Brief and initial Designation of Matter on June 18, 2025. He then served his Reply Brief and an updated/supplemented Designation (including the Appellant-Response Photos) on August 21, 2025. Respondents had ample opportunity to review these materials and raise objections at that time but did not do so. Instead, they waited over six months from the Initial Brief and over four months from the Reply Brief to file this Motion. This delay is inexplicable, especially given Respondents’ familiarity with the case at this stage and the clarity of Appellant’s briefs, which explicitly reference and rely on the designated materials to illustrate key arguments.
- **Timeline of ROA Preparation:** Appellant served the compiled ROA on November 21, 2025. Respondents initially raised vague concerns about non-compliance but provided no specifics until later. In response, Appellant sent two detailed letters (dated December 4, 2025, and December 5, 2025, attached here as Exhibits A and B and previously filed with this Court), proposing compromises to address their concerns, including adding cross-references in the ROA index to Respondents’ original exhibit numbers and relocating the Jeff Jaco Affidavit to appear immediately after Respondents’ Memorandum in Support of Summary Judgment. These

proposals were made in good faith to accommodate formatting preferences without conceding any Rule 210 defects. However, since Respondents never answered – Appellant has removed his offer to move the Jeff Jaco affidavit since final brief editing has already started with page numbers set as delivered. Appellant is still planning to add the cross references as described.

Respondents failed to respond to either letter, despite Appellant’s explicit request for prompt feedback to avoid delays in finalizing briefs. Instead, they waited 18 days after the second letter and over a month after receiving the ROA, to file this Motion to Strike on December 23, 2025. This silence and delay constitute waiver of their objections. Had Respondents engaged timely, the parties could have resolved these issues cooperatively, as Appellant proposed, without Court intervention. Allowing the Motion now would reward Respondents’ inaction and greatly disrupt the schedule.

ARGUMENT III: ALL DESIGNATED MATERIALS ARE RELEVANT, WERE PART OF THE LOWER COURT RECORD OR PROPERLY PRESENTED, AND ARE NECESSARY FOR A COMPLETE ROA

Contrary to Respondents’ assertions, the materials they seek to strike comply with Rule 210(c), SCACR, as they were either filed with the lower court, exchanged in discovery and referenced in filings before Judge Morgan, discussed at the Summary Judgment hearing, or integral to the issues on appeal. Excluding them would create an incomplete and misleading ROA, hindering this Court’s review.

- **State Farm HVAC Production Documents-File (ROA0155-0204):** These documents were exchanged during discovery and directly relate to the claims at issue. They were referenced in Appellant’s expert report by Warren Maddox (filed August 23, 2024, and agreed to by Respondents for inclusion) and form the basis for arguments in Appellant’s briefs regarding the underlying facts of the dispute. Limiting or excluding the full file would omit critical context presented through discovery and expert analysis.
- **State Farm Claim No. 40-DI179-759-Dishwasher (ROA0205-0302):** Respondents seek to restrict this to only 24 pages (their Exhibit F). However, the full file was exchanged in discovery, directly referenced in the Warren Maddox report, utilized by Appellant’s technical expert to make his conclusions and necessary to illustrate Respondents’ selective presentation of evidence, as clearly demonstrated in Appellant’s reply brief. Appellant’s briefs rely on the complete file to demonstrate inconsistencies and manipulations in the evidence before Judge Morgan. The full inclusion is relevant and was implicitly before the lower court via discovery and filings.
- **Appellant-Response Photos (ROA0422-427):** The photographs Respondents seek to strike have been part of the case record since as early as December 6, 2022, when three of them were filed by Appellant. The remaining photos, drawn from the two State Farm claim files, were relied upon by Appellant’s technical expert, Warren Maddox, in his report and during his personal inspection of the property (both expressly referenced in his filed affidavit and engineering report). These materials—including the Maddox Engineering report (filed prior to the summary judgment hearing), related photos, and the PowerPoint presentation—were also incorporated into Appellant’s Motion to Reconsider. The Appellant-Response Photos designated in the August 21, 2025 supplement to the Reply Brief are either duplicates of previously submitted images or wider-angle versions that provide necessary context required to support the reply brief. They are

essential to demonstrate selective descriptions, mislabeling, and manipulation of photographic evidence during the Summary Judgment hearing, as detailed in Appellant's briefs. Excluding these materials would deprive this Court of critical visual evidence central to the appeal and would severely prejudice Appellant's ability to present his case fully and with clarity.

Additionally, the Engineering Report by Maddox Engineering (filed with the lower court as part of Warren Maddox's expert materials), Warren Maddox's respective affidavit (filed August 23, 2024, and agreed by Respondents for inclusion), Appellant's key filings—including those dated December 6, 2022 (initial photos and related evidence), August 23, 2024 (Maddox affidavit), August 26, 2024 (Appellant's affidavit), and October 3, 2024 (Motion to Reconsider); these all incorporate or reference photographs and documentation of the property damage, ductwork issues, wet floors, wet subfloors, and other evidentiary items drawn from BOTH State Farm files, inspections (by both State Farm Insurance adjusters and professional inspectors) and photo evidence gathered by the homeowner.

These materials were expressly discussed and presented during the Summary Judgment hearing, as reflected in the Summary Judgment Hearing Transcript (e.g., at pp. 18:21–19:1, 21:16–22:4, and in other portions where counsel and the court addressed the photographic and documentary evidence). Many of these same photographs, statements, and documented items from the discovery files were introduced by Respondents themselves, with success, just ahead of the summary judgment hearing as exhibits to their Memorandum in Support of Motion for Summary Judgment.

Granting Respondents' Motion to Strike would now remove these critical pieces of evidence from the Record on Appeal, rendering the appellate record incomplete and very one-sided. This would prevent this Court from fully reviewing the evidentiary foundation upon which Judge Morgan's Summary Judgment ruling was (Appellant firmly believes this to be in error) based, including the context and totality of the photographic and documentary proof that Appellant contends was selectively presented or manipulated by Respondents. Three photos absolutely were wrongly labeled.

It is particularly noteworthy that Respondents successfully relied on much of this evidence to secure summary judgment, yet now seek to limit or eliminate it entirely as the appeal highlights what these materials actually depict. Such selective exclusion at this stage would be fundamentally unfair and contrary to the purpose of a complete Record on Appeal under the rules, which exists to allow meaningful appellate review of the matters presented to the lower court.

ARGUMENT IV: GRANTING THE MOTION WOULD CAUSE UNDUE PREJUDICE TO APPELLANT BY REQUIRING REWRITING OF HIS BRIEFS

Appellant's Initial Brief and Reply Brief were drafted to rely on the full designated ROA, with explicit references to these materials to illustrate key factual and legal arguments. Excluding them at this late stage, after briefs have been filed and edits to final briefs initiated, would warrant substantial revisions, including rewriting sections to remove or rework descriptions. This would impose an unfair burden this (or any) Appellant and substantially delay the appeal.

Respondents' request to reorder exhibits is a formatting preference, not a defect under the rules. The exhibits Respondents call to be reordered, can be referenced as other documents as the brief reader references the index. Some required earlier placement per the Court's published list, others were already on Appellant's list. They are all incorporated into the ROA accordingly.

Appellant remains willing to add cross-references to Respondents' original exhibit letters in the ROA index, as proposed in his December 4 and 5, 2025 letters, but no further changes are warranted given the untimeliness of the Motion and progress made to Appellant's final briefs.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court deny Respondents' Motion to Strike in its entirety. The designated materials are relevant, compliant with Rule 210(c), SCACR, and essential for a fair appellate review. Respondents' delay and lack of engagement forfeit their objections, and granting the Motion would prejudice Appellant without due cause.

ATTACHMENTS:

Exhibit A: Letter to Mr. Williams dated December 4, 2025

Exhibit B: Letter to Mr. Williams dated December 5, 2025

CC
Charles O. Williams
Gallivan, White & Boyd P.A.
Post Office Box 10589
Greenville, South Carolina 29603
(864) 271-5347

January 16, 2026
/s/ Steven P Maness
Steven Maness, Appellant, pro se
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Jan 16 2026

SC Court of Appeals

December 4, 2025

Steve Maness, Appellant pro se
305 Kilgore Farms Circle
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Via Email

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SC Court of Appeals

Appellate Case No. 2024-002011

Steven Maness Appellant

v.

Gunter Heating & Air/Teddy L. Gunter, State Farm Fire and Casualty Co., Defendants,

Of which Gunter Heating & Air/Teddy L. Gunter are the Respondents.

Mr. Williams,

This letter to address your recent concerns summarized below, regarding the arrangement and contents of the Record on Appeal, delivered to you on November 21, 2025.

1. Order of memo & exhibits, without respective reference back to the original memo
2. Motion and Order to Compel included
3. Six (6) photos you called out individually, and indexed as "Appellant – Response Photos"

For point (1) the Record on Appeal was prepared to the best of my ability in compliance with the Court's published rules which outline its indexed order. It does not show Appellant or Respondent sections, but Court defined categories and prohibits the duplication of documents.

Accordingly, the Record was structured with these basic categories:

1. Orders
2. Pleadings
3. Motions
4. Transcript
5. Exhibits

Your memorandum in support of summary judgment appears in the motions section. I think if there was one error, which was unintentional, it was having Jeff Jaco’s affidavit near the end of exhibits and not listed with the other affidavits filed ahead of the hearing, so I propose changing that.

The exhibits referenced in your memorandum properly appear in the exhibits section, grouped with all other exhibits and since some items were pulled ahead by necessity (the list above) and since I had a working list as well, the original sequence you had is different. To help resolve this I propose adding cross references in the index back to your original exhibit numbers. The exhibits nearing the end are also somewhat out of original order just because of how they were placed into Adobe, pulling from my own list as well and may appear as haphazard or “thrown in at the end” as you describe but was completely unintentional. See the changes here in bold:

(Revised) INDEX

Order Granting Motion to Compel, January 22, 2024

Order Granting Motion for Summary Judgment, September 18, 2024

Complaint (**Respondent MSJ Memo Exhibit A**)

Answer

Appellant’s Motion to Compel

Respondent’s Motion for Summary Judgment

Appellant’s Response to MSJ – Affidavit of Warren Maddox.....

Appellant’s Response to MSJ – Affidavit of Steve Maness

Respondent’s Memorandum in support of Motion for Summary Judgment

Jeff Jaco Affidavit (Respondent MSJ Memo Exhibit I).....

Summary Judgment Hearing Transcript – September 6, 2024.....

Appellant’s Motion for Reconsideration

Engineering Report – Maddox Engineering

Engineering Report – EDT (**Respondent MSJ Memo Exhibit H**).....

State Farm HVAC production docs - FILE

State Farm 40-D179-759, Dishwasher 2008 (**Respondent MSJ Memo Exhibit F**)

Small Claims File – Maness v Hogan Builders (**Respondent MSJ Memo Exhibit E**)

Deficiency Letter (**Respondent MSJ Memo Exhibit B**)

GVL County 12-7-05 (**Respondent MSJ Memo Exhibit C**).....

GVL County 12-12-05 (**Respondent MSJ Memo Exhibit D**).....

2009 State Farm (**Respondent MSJ Memo Exhibit G**).....

Appellant – Response Photos

As to point (2) yes, the Motion and Order to compel issued by Judge Morgan are included here but were not on the original list. The order is called for by the Court’s listing guidelines, very relevant to the case and now appeal, was discussed in the hearing in front of Judge Morgan, maintained in the Motion to Reconsider and clearly present in the Appellant’s brief. Not having this item listed is clearly a simple mistake.

Point (3) are photos that are nothing new and have been in the case all along, only (1) is a wider shot, revealing the actual location of photos used in the MSJ Hearing. This is detailed in the reply brief and designated on a separate listing filed with the Court on August 21, 2025.

This is my proposal to move forward. Let me know and I’ll make these changes and send the file as we discussed. Thank you.

Sincerely,

Steve Maness
Appellant, pro se

Appellant's RMTS Exhibit B

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Jan 16 2026

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Dec 05 2025

SC Court of Appeals

December 5, 2025

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Via Email

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Of which Gunter Heating & Air/Teddy L. Gunter are the Respondents.

Mr. Williams,

I have filed and served a Motion to amend Designation of Matter today adding the Motion and Order Granting Motion to Compel to the designated record. That filing addresses the only possible compliance issue you have identified, that I was made aware of. However, I do believe the Order was already called to be included by the Court, per published guidelines.

Accordingly, pending approval of that Motion, the Record on Appeal will be fully designated and complete under Rule 210.

If there is some compliance issue as your Motion to the Court mentions: "The document consists of 428 bound, double-sided pages and does not appear to be in compliance with Rule

210, SCACR.” – of which I have not been notified, please inform me ASAP so that I may make any needed corrections.

As outlined in my prior correspondence, I am still willing, as a cooperative formatting accommodation (not as a correction of any Rule 210 defect), to:

1. Add cross-references in the index to original exhibit lettering; and
2. Relocate the Jeff Jaco affidavit to appear immediately after Motion for Summary Judgment memo.

If you confirm that these two adjustments resolve your remaining concerns, I will immediately finalize the revised pagination and send the file as discussed so that both parties may proceed with completing final briefs, without further delay.

The schedule change approved today is acknowledged and agreed to, but until we are in agreement on these remaining index issues (unless there’s something else not covered here), neither party is able to work on, much less complete final briefs.

Thank you for your prompt response.

Sincerely,

Steve Maness
Appellant, pro se

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Of which Gunter Heating & Air/Teddy L. Gunter are the Respondents.

PROOF OF SERVICE - APPELLANT'S RETURN TO MOTION (RESPONDENT'S MOTION TO STRIKE)

I certify that I have served a copy of Appellant's Return to Motion to Strike on Gunter Heating & Air/Teddy L Gunter by electronically delivering a copy to Charles O. Williams (cwilliams@gwblawfirm.com) on January 16, 2026 and on this day, placing into US Mail a printed copy to the address below.

January 16, 2026

/s/ Steven P Maness

Steven Maness, Appellant, pro se

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