

Case No. 2025-001632

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
First Judicial Court

The Honorable James E. Chellis, Master-in-Equity (BY ORDER OF REFERENCE)

Trial Court Case No. 2023-CP-18-00658

Cornerstone Ventures International, LLC

Respondent,

v.

Alvin E. Burch, Sr.

Appellant.

APPELLANT’S MOTION TO STRIKE AND LIMIT RESPONDENT’S DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant Alvin E. Burch, Sr., pro se, moves pursuant to Rules 209(c) and 210, South Carolina Appellate Court Rules (SCACR), for an order striking and limiting Respondent’s Designation of Matter to be Included in the Record on Appeal. Respondent’s designation includes collateral enforcement and interlocutory-appeal materials that are not necessary to review the order on appeal and would unnecessarily expand the Record and distract from the issues presented.

This appeal arises from the Order filed July 28, 2025 denying Appellant’s Rule 60(b)(4) motion to vacate as void, following an evidentiary hearing held June 3, 2025. The Record should be confined to the pleadings, orders, exhibits, and transcripts bearing on that ruling and the issues presented.

I. RELIEF REQUESTED

Appellant requests that the Court strike Respondent’s designated items 6 and 8 through 15, as listed in Respondent’s Designation dated February 4, 2026, and direct that the Record on Appeal exclude those items. In the alternative, Appellant requests that the Court limit any inclusion of those materials to only those pages or excerpts that the Master-in-Equity actually relied upon in the June 3, 2025 evidentiary hearing or the July 28, 2025 Order.

II. BACKGROUND

Respondent’s Designation proposes, among other items, (6) a Petition in Supplementary Proceedings filed December 13, 2023; (8) a Rule to Show Cause and Order filed February 5, 2024; (9–11) transcripts of hearings held March 4, 2024, April 15, 2024, and August 12, 2024; (12) an Order filed November 5, 2024; and (13–15) materials from a separate, dismissed interlocutory appeal (Notice of Appeal dated November 20, 2024; Motion to Dismiss dated December 10, 2024; and Order dated January 27, 2025).

Respondent’s Initial Brief confirms the purpose for these additions: Respondent argues Appellant did not contest the execution or entry of the confession of judgment in supplemental-proceedings hearings and that Appellant began making payments, using those points to imply waiver, ratification, or improper motive. Those arguments concern collateral enforcement history

and are not necessary to determine whether the judgment is void or whether the Master erred in denying Rule 60(b)(4) relief.

III. ARGUMENT

A. Items 6 and 8–12 concern post-judgment enforcement proceedings and are irrelevant to review of the July 28, 2025 Rule 60(b)(4) ruling.

Item 6 (Petition in Supplementary Proceedings) and items 8 through 12 (Rule to Show Cause/Order, hearing transcripts, and related supplemental-proceedings orders) arise from post-judgment collection and compliance proceedings. They do not form the basis of the June 3, 2025 evidentiary hearing on Appellant’s Rule 60(b)(4) motion and are not necessary to decide the issues presented in this appeal.

Respondent’s stated purpose for including these materials is not to aid review of the appealed order, but to argue that Appellant ‘had opportunities’ to contest earlier and to cast later enforcement conduct (including purported payment statements) as agreement or waiver. That is not a proper basis to enlarge the Record. The question on appeal is whether the Master-in-Equity erred in denying relief from a void judgment under Rule 60(b)(4) after the June 3, 2025 evidentiary hearing—not whether Appellant contested enforcement at supplemental-proceedings hearings.

B. Items 13–15 concern a separate interlocutory appeal that was dismissed and are not necessary to decide the merits of this appeal.

Items 13 through 15 relate to a different appellate case in which Appellant attempted to appeal supplemental-proceedings orders and the appeal was dismissed as interlocutory. The dismissal is not a merits determination of Rule 60(b)(4) voidness, jurisdiction, statutory

compliance, or due process. Respondent's inclusion of the Notice of Appeal and Motion to Dismiss adds collateral procedural history and briefing that is not necessary to decide this appeal and risks confusing the issues.

If the Court concludes any reference is necessary, the only potentially relevant document would be the dismissal order itself (item 15), and even that is unnecessary to decide the appealed July 28, 2025 order. Appellant therefore requests that items 13 and 14 be stricken, and that item 15 likewise be stricken (or, at minimum, not treated as substantive support for Respondent's merits arguments).

C. Rule 209(c) and Rule 210 do not permit padding the Record with irrelevant matter.

Rule 209(c), SCACR, is intended to prevent the inclusion of irrelevant matter in the Record on Appeal. Rule 210 likewise contemplates a Record tailored to the appeal. Where the Respondent designates matter that does not bear on the order under review or the issues presented, the Court should strike or limit that designation to ensure an efficient and fair appellate review. Striking or limiting these items will keep the Record focused on the appealed order and avoid unnecessary enlargement of the Record.

WHEREFORE, Appellant respectfully requests that the Court enter an order:

1. Striking Respondent's designated item 6 (Petition in Supplementary Proceedings, filed December 13, 2023) from the Record on Appeal;
2. Striking Respondent's designated items 8 through 15 from the Record on Appeal;
3. In the alternative, limiting any inclusion of only those pages or excerpts admitted into evidence at the June 3, 2025 evidentiary hearing and/or expressly relied upon in the July 28, 2025 Order; and

4. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in blue ink that reads "Alvin E. Burch, Sr." in a cursive script.

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February 9, 2026
Summerville, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that I have this day, February 9, 2026, served a true and correct copy of the **APPELLANT'S MOTION TO STRIKE AND LIMIT RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** upon counsel for the Respondent by email and depositing the same in the United States Mail, postage prepaid, and properly addressed as follows:

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