

# The South Carolina Court of Appeals

Roland Bernardon and Louise Bernardon, Appellants,

v.

Mark Damiano, Ellery K. Damiano, Sea Pines Real Estate at the Beach Club, Robert Reichel, and John McMahan, Defendants,

of which Mark Damiano, Ellery K. Damiano, Sea Pines Real Estate at the Beach Club, and Robert Reichel are the Respondents.

Appellate Case No. 2025-000384

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## ORDER

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On November 21, 2025, Respondents filed a motion to strike Appellants' designation of matter to be included in the record on appeal. On December 15, 2025, Appellants filed a motion to allow the late filing of a return to the motion to strike and attached the proposed return. On December 29, 2025, Respondents filed a reply to Appellants' return.

First, we grant Appellants' motion to allow the late filing of a return to Respondents' motion to strike and accept Appellants' return as filed. Second, after careful consideration, we grant in part and deny in part Respondents' motion to strike. Within ten days of the date of this order, Appellants shall file an amended designation of matter. The amended designation of matter shall (1) strike the entire deposition and all exhibits thereto as to John McMahan, Jill Murphy, and Peter Geary; and (2) strike those portions of the depositions and exhibits thereto which were not presented to the lower court as to Mark Damiano, Ellery Daniano, Adam Beck, Robert Reichel, and Louise Bernardon. *See* Rule 210(c), SCACR ("The Record shall not [] include matter which was not presented to the lower court . . . . Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire *page* shall be

included.") (emphasis added).



FOR THE COURT

Columbia, South Carolina

cc:

Mike W. Mogil, Esquire  
David Allen Anderson, Esquire  
Diana Lee Murray, Esquire  
Hunter Weston Adams, Esquire  
Thomas J. Finn, Esquire  
Carmen Vaughn Ganjehsani, Esquire

**FILED**  
**Feb 23 2026**