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Mar 06 2026

SC Court of Appeals

**IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM CHARLESTON COUNTY
MASTER-IN-EQUITY**

**THE HONORABLE, MIKELL R. SCARBOROUGH
CASE NO: 2025-002345**

**Robert Matthews, Jr.,
Respondent,**

-vs-

**Tiffany R. Matthews,
Appellant.**

MOTION TO SETTLE THE RECORD

Appellant, by and through undersigned counsel, respectfully moves this Court pursuant to Rule 210 of the South Carolina Appellate Court Rules to strike certain materials improperly included in Respondent's Designation of Matter and the Record on Appeal.

1. Rule 210 provides that the “[t]he Record shall not ... include matter which was not presented to the lower court or tribunal.” Respondent’s Designation of Matter on

Appeal in contains eleven designated items. Items four through eleven were not presented to the Master-in-Equity. In fact, all of the documents designated in those items did not exist as of September 3, 2025, when the Master-in-Equity heard Appellant's motion and declined to exercise jurisdiction. These materials are outside the proper scope of appellate review and should be excluded from the record.

2. Item 3 in Respondent's Designation is "Memorandum in Opposition to Defendant's Motion Pursuant to Rule 43(k) and all exhibits thereto...". Although this document was presented to the Master-in-Equity, the memorandum and the twenty-two accompanying exhibits are 226 pages in length and are largely irrelevant to the issue on appeal. Also, to the extent that any documents contained in the exhibits are necessary to an understanding of this appeal and cited in the Respondent's brief, those documents are already in the record in Appellate Case Number 2025-000643 and can be referenced to that existing record.

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

1. Striking from the Respondent's Designation of Matter the specific materials identified in Items 3-11.
2. Permitting citation in the final briefs to the existing Record in the related case of Matthews v. Matthews, Appellate Case Number 2025-000643;
3. Holding time limits in abeyance until disposition of this motion;¹
4. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

Paul W. Bradley
SC Bar ID#76099

s/Paul E. Tinkler
SC Bar ID#5580

¹ Appellant's counsel will be out of the country from March 22 – April 1.

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PROOF OF SERVICE

I hereby certify that I served a copy of Appellant's Motion to Settle the Record to the following:

Via Email only to:
Stephan Futeral, Esq.,
Attorney for Respondent
sfuteral@charlestonlaw.net

Date: March 6, 2026

s/ Paul E. Tinkler
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