

**RECEIVED**  
**May 08 2026**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM GREENWOOD COUNTY  
Court of Common Pleas

Charles M. Watson, Jr., Special Referee

---

Case No. 2025-000569

---

Greenwood Mills, Inc., Respondent,

v.

Rodney White, Appellant.

---

RESPONDENT'S MOTION TO DISMISS APPEAL  
OR, IN THE ALTERNATIVE, AMEND THE RECORD ON APPEAL

---

Brandon A. Smith  
Law Offices of Brandon A. Smith, LLC  
104 Maxwell Ave.  
Suite 500  
Greenwood, SC 29646  
Attorney for Respondent  
Greenwood Mills, Inc.

Respondent Greenwood Mills, Inc., by and through undersigned counsel, moves this Court under Rule 240, SCACR, to dismiss this appeal. The supporting memorandum is incorporated in the body of this motion under Rule 240(c)(2).

After multiple extensions of time granted by this Court, Appellant finally served a Record on Appeal on April 27, 2026. That attempt at a Record on Appeal contained 103 pages against an index of 376 pages. On April 28, 2026, Appellant move to amend the purported Record on Appeal.

### **GROUND FOR DISMISSAL**

The burden to prepare an adequate Record on Appeal lies with the appellant. *Johnson v. S.C. Dep't of Probation, Parole & Pardon Services*, 372 S.C. 279, 283, 641 S.E.2d 895, 897 (2007). In *Johnson*, the Court of Appeals declined to address the merits when the appellant included the full transcript but omitted the challenged order. The Supreme Court affirmed. Here, the Record on Appeal filed by Appellant is faulty in that it contains content prohibited by the South Carolina Appellate Court Rules.

Rule 210(c), SCACR sets forth that the Record on Appeal “shall include all matter designated to be included by any party under Rule 209” but not include “matter which was not presented to the lower court or tribunal.” The Record on Appeal filed by Appellant contains the following materials, none of which was cited in either party's Designation of Matter or presented to the trial court:

1. Record page 104.
2. Record pages 105-108.
3. Record pages 109-113.
4. Record pages 360-361.
5. Record pages 362- 367.
6. Record pages 368- 376.

Each category fails Rule 210(c) on its face. *See State v. Serrette*, 375 S.C. 650, 654 S.E.2d 554 (Ct. App. 2007) (right of appeal may be lost by failure to comply with Rule 210); *see also Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004).

Even if the Court declines to dismiss the appeal, the Court should strike from the Record on Appeal pages 104-113 and pages 360-376 as materials outside the scope of Rule

210(c). The Court should not be asked to assess the merits of any argument by reference to materials that do not satisfy Rule 210(c). Striking the offending pages permits merits review on a Record on Appeal that conforms to the rule.

For the reasons stated above, Respondent respectfully requests that this Court dismiss the appeal. In the alternative, Respondent requests this Court strike pages 104-113 and 360-376 of the Record on Appeal filed by Appellant.

Respectfully submitted,

May 8, 2026

/s/ Brandon A. Smith  
Brandon A. Smith  
Law Offices of Brandon A. Smith, LLC  
104 Maxwell Ave.  
Suite 500  
Greenwood, SC 29646  
Attorney for Respondent  
Greenwood Mills, Inc.

**RECEIVED**

**May 08 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

---

APPEAL FROM GREENWOOD COUNTY  
Court of Common Pleas

Charles M. Watson, Jr., Special Referee

---

Case No. 2025-000569

---

Greenwood Mills, Inc., Respondent,

v.

Rodney White, Appellant.

---

PROOF OF SERVICE

---

The undersigned certifies that he, as counsel for Respondent Greenwood Mills, Inc., has served as copy of Respondent's Motion to Dismiss Appeal or, In the Alternative, Amend the Record on Appeal on Appellant at the following address registered with this Court.

Rodney White  
341 Maxwell Ave.  
Greenwood, SC 29646

*(SIGNATURE PAGE TO FOLLOW)*

/s/ Brandon A. Smith  
Brandon A. Smith  
Law Offices of Brandon A. Smith, LLC  
104 Maxwell Ave.  
Greenwood, SC 29646  
Attorney for Respondent  
Greenwood Mills, Inc.