

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

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS
THE HONORABLE B. ALEX HYMAN
CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2026-000708
CIVIL ACTION NO. 2025-CP-26-06721

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Jun 18 2026

SC Court of Appeals

Joseph N. Grate,

APPELLANT,

v.

David A. Anderson, James J. Winebrake, Coastal Carolina University,
Respondents,

RESPONDENTS.

**RESPONDENTS' REPLY IN SUPPORT OF JOINT MOTION TO STRIKE
APPELLANT'S DESIGNATION
OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL AND TO
STAY DEADLINE FOR FILING OF THE RESPONDENTS' INITIAL BRIEFS
AND DESIGNATIONS OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

Respondents David A. Anderson, James J. Winebrake, and Coastal Carolina University (collectively, "Respondents") file this brief reply to Appellant's Return to note nothing in Appellant's Return merits denial of Respondent's Motion. As noted, Rule 209(b) requires the Designation to include matters only properly included in the Record on Appeal as set forth in Rule 210(c). Rule 210(c) plainly states: "The Record shall not, however, include matter which was not presented to the lower court or tribunal."

In opposing the Motion, Appellant appears to be relying on matters being "explicitly and specifically addressed throughout the transcript." Appellant appears to be

conceding that the matters designated were not actually presented to the circuit court, not made part of the record prior to or after the hearing, and not themselves presented to the circuit court. The transcript and Public Index likewise reflect that the matters noted in Respondents' Motion were not actually presented in the hearing below and Appellant has presented nothing to the contrary.

Accordingly, Respondents respectfully request the Court grant the relief sought in the Motion.

Respectfully submitted,

s/ Ashwin R. Sanzgiri

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Eleanor P. White (S.C. Bar No. 107360)

Ashwin R. Sanzgiri (S.C. Bar No. 105198)

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*Attorneys for Respondents James J.
Winebrake and Coastal Carolina University*

June 18, 2026

CERTIFICATE OF SERVICE

I, the undersigned, for Respondent David A. Anderson do hereby certify that I have this date served the foregoing **RESPONDENTS' REPLY IN SUPPORT OF JOINT MOTION TO STRIKE APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL AND TO STAY DEADLINE FOR FILING OF THE RESPONDENTS' INITIAL BRIEFS AND DESIGNATIONS OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** by serving the same pursuant to Section (d)(1) of the Supreme Court's Amended Order dated April 24, 2024, on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable) and on Appellant Joseph N. Grate by depositing the same in the US Mail:

Joseph N. Grate
P.O. Box 1294
Pawley's Island SC 29585

J.W. Nelson Chandler
Chandler Law Group, LLC
741 Johnnie Dodds Blvd., Ste 300
Mount Pleasant, SC 29464
nelson@chandlerlawsc.com

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A copy of the sent email and mail deposit is enclosed with this Certificate of Service.

/s/ Sandra Davidson
Sandra Davidson
Legal Assistant

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RICHARDSON
RICHARDSON PLOWDEN
PLOWDEN
ATTORNEYS AT LAW
ROBINSON, P.A.

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SC Court of Appeals

VIA U.S. CERTIFIED MAIL

Joseph N. Grate
P.O. Box 1294
Pawley's Island, SC 29585

RE: *Joseph N. Grate, Appellant v. David A. Anderson, James J. Winebrake, Coastal Carolina University, Respondents*
Appellate Case No. 2026-000708

Dear Mr. Grate:

Please find enclosed and served upon you Respondents' Reply in Support of Joint Motion to Strike Appellant's Designation of Matter to be Included in the Record on Appeal and to Stay Deadline for Filing of the Respondents' Initial Briefs and Designations of Matter to be Included in the Record on Appeal in the above-referenced matter which we will be filing with the Court of Appeals later today.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A blue ink signature of Ashwin R. Sanzgiri, written in a cursive style.

Ashwin R. Sanzgiri

ARS/skd

cc: J.W. Nelson Chandler, Esq. (via email, w/ enc.)
Carmen V. Ganjehsani (via email, w/ enc.)