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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE CIRCUIT COURT
NINTH JUDICIAL CIRCUIT

The Honorable Thomas J. Rode

Appellate Court Case No. 2026-000910
Circuit Court Case No. 2024-CP-10-02642

Christopher Sawyer and Terese Sawyer, Appellants,

v.

Vacation Inspirations, Destination Travel, LLC, Joseph Shirley, Randy Gardner and Jeffrey Pumilia, Respondents.

**RESPONDENTS' MOTION TO STRIKE MATERIALS IN APPELLANTS'
DESIGNATION OF MATTER AND IN INITIAL BRIEF
AND MEMORANDUM IN SUPPORT**

Pursuant to Rule 240, SCACR, the Respondents Vacation Inspirations, Destination Travel, LLC, Joseph Shirley, Randy Gardner and Jeffrey Pumilia ("Respondents") submit this motion to strike certain materials in Appellants' Designation of Matter and Initial Brief due to noncompliance with Rules 209 and 210, SCACR.

The Appellate Rules state: "the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal." Rule 209(b), SCACR. Rule 210, which governs the record on appeal states: "The Record shall not, however, include matter which was not presented to the lower court or tribunal." Rule 210(c), SCACR.

The Designations of Matter filed by Appellants in these cases on May 26, 2026 do not comply with Rules 209 and 210, SCACR. Specifically, the following materials were not presented to or ruled on by the lower court and so they are not appropriate for appellate review:

- Verified Complaint in *Skoler v. Vacation Inspirations*, No. 2024-CP-1002646 (S.C.Com.Pl.), filed on May 21, 2024;
- Vacation Inspirations Membership Purchase Agreement with Peter and Patricia Skoler dated March 21, 2022;
- Verified Complaint in *Perrelli v. Vacation Inspirations*, No. 2024-CP-1004606 (S.C.Com.Pl.), filed on September 13, 2024;
- Vacation Inspirations Membership Purchase Agreement with Frank Perrelli dated October 8, 2022;
- Assurance of Voluntary Compliance in *Sours v. The Vacation Station, LLC*, No. 2012-CV211716, filed Feb 20, 2012;
- Press Release, “AG Paxton Reaches \$74K Agreement with San Antonio-Based Business, Texas v. Vacation Inspirations, LLC”, No. 2017CI11368, dated June 22, 2017;
- News Article, “Vacation club connected to prior settlements over consumer complaints,” WCSC-TV, dated November 4, 2022;
- South Carolina Department of Consumer Affairs, Complaints for Vacation Inspiration, dated January 28, 2026.

Appellants’ designation of these matters and reliance on them in their initial brief is not in compliance with Rules 209 and 210, SCACR. Respondents respectfully request the Court strike these matters from the Appellants’ designation and initial brief.

June 24, 2026

Respectfully submitted,

s/John A. Massalon

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Pumilia, Respondents.

PROOF OF SERVICE

I certify that Respondents' Initial Brief, Designation of Matter, Motion to Dismiss and Memorandum in Support, and Motion to Strike Materials in Appellants' Designation of Matter and in Initial Brief and Memorandum in Support were served upon Appellants via e-mail to counsel of record listed below on June 24, 2026. A copy of the service e-mail is attached hereto as Exhibit A.

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June 24, 2026

Charleston, South Carolina

EXHIBIT “A”

Charline Barrasso

From: Charline Barrasso
Sent: Wednesday, June 24, 2026 4:29 PM
To: 'david@wolflaw.com'; 'abigail@abbysaunderslaw.com'
Cc: John A. Massalon; Carissa Land; 'dnlevine@dnllaw.com'; 'jeff@uricchio.com'
Subject: 2026-000910; Christopher Sawyer, et al. v. Vacation Inspirations, et al.
Attachments: 20260624 Respondents' Initial Brief.pdf; 20260624 Respondents' Designation of Matter.pdf; 20260624 Respondents' Motion to Dismiss.pdf; 20260624 Respondents' Motion to Strike.pdf; 20260624 Court of Appeals.pdf

Dear Counsel,

On behalf of Respondents in regard to the above-referenced matter, attached for service please find the following:

1. Initial Brief of Respondents;
2. Designation of Matter;
3. Motion to Dismiss and Memorandum in Support;
4. Motion to Strike Materials in Appellants' Designation of Matter and in Initial Brief and Memorandum in Support; and
5. Letter to the Clerk of Court enclosing the motion filing fees.

If you have any questions, please do not hesitate to contact us.

Thank you,

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