

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS  
Perry H. Gravely, Circuit Court Judge

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Appellate Case No.: 2025-001491

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James Dustin Lucas

Appellant,

v.

Andre Knox,

Respondent.

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**MOTION TO STRIKE PORTIONS OF  
INITIAL BRIEF OF APPELLANT  
AND APPELLANT’S DESIGNATION OF MATTER**

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Pursuant to Rules 208, 209, 210, and 240, SCACR, Respondent Knox hereby moves this Court to strike portions of the Initial Brief of Appellant (“Initial Brief”) and Appellant’s Designation of Matter to be Included in the Record on Appeal (“Designation”), both dated March 30, 2026.

Rule 208(b)(4), SCACR, sets forth that a party’s brief “shall contain references to the transcript, pleadings, orders, exhibits, or other material which may be properly included in the Record on Appeal [see Rule 210(c)] to support the salient facts alleged.” Rule 210(c), SCACR, provides that the Record on Appeal “shall not...include matter which was not presented to the lower court or tribunal.” Accordingly, Rule 209(b), SCACR, “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.”

Appellant’s Designation includes, in part, the following materials:

2. Affidavit of Candie Edwards dated March 30, 2026.

3. Affidavit of Sulaiman Ahmad dated March 27, 2026.

11. Transcript from Court where opposing counsel acknowledged she violated ADR rules. Appellant's Initial Brief references the affidavits of Plaintiff's counsel's associate attorney and counsel's paralegal (Designations #2 and #3). However, Appellant has not and cannot show that the affidavits were presented to the circuit court, as required by Rule 210(c), SCACR as the affidavits were not signed until almost a year after the appeal was filled.

Designation number 11 appears to be irrelevant to the appeal and should be excluded pursuant to Rule 209(c), SCACR, which provides that "[a] party shall not include any matter in his Designation which is not relevant to the appeal." Appellant has appealed two Orders, dated June 24, 2025 and July 28, 2025 relating to Appellant's "Motion to Reconsider Post Trial Motions" and Appellant's "Motion to Reconsider the Defendant's Motion for Costs." Designation number 11 appears to be irrelevant. No. 11, "Transcript from Court where opposing counsel acknowledged she violated ADR Rules", is unclear as to which transcript is being referenced as it does not provide a date or corresponding hearing. There were no hearings on the Orders which have been appealed in this case, so the transcript cannot relate to those Orders. Additionally, it is unclear if the transcript was from a hearing in this case. Therefore, it is currently unclear if Designation number 11 is a transcript from this case and has been presented to the lower court. Accordingly, Appellant's Designation 11 should also be stricken from Appellant's Designation pursuant to Rules 209 and 210, SCACR.

### **CONCLUSION**

Respondent requests that this Court strike Appellant's Initial Brief and Designation of Matter, and order that they be revised to omit any reference to Designations 2, 3, and 11.

Respondent also requests that the deadline for filing his Initial Brief and Designation of Matter be suspended until this Court resolves this Motion.

Respectfully submitted,

s/Jeanmarie Tankersley  
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Attorney for Respondent

July 20, 2026

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IN THE COURT OF APPEALS

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SC Court of Appeals

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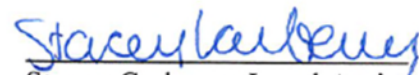
Respondent.

**PROOF OF SERVICE**

I certify that I have served the *Motion to Strike Portions of Initial Brief of Appellant and Appellant's Designation of Matter* on all attorneys of record by electronic mail on July 20, 2026 addressed to:

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July 20, 2026

**VIA EMAIL & REGULAR MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: *James Dustin Lucas v. Andre Knox*  
Appellate Case No. 2025-000558

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**Jul 20 2026**  
**SC Court of Appeals**

Dear Ms. Kitchings:

This firm represents the Respondent in the above matter. Enclosed for filing, please find a Motion to Strike Portions of Initial Brief of Appellant and Appellant's Designation of Matter together with our Proof of Service for the same. Also enclosed is our firm's check to cover the cost of the filing fee (w/ mailed copy).

If you have any questions, please give me a call. Thank you for your assistance in this matter.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.

*s/ Jeanmarie Tankersley*

Jeanmarie Tankersley

Enclosures

cc: Joshua Thomas Hawkins ([josh@hjllcsc.com](mailto:josh@hjllcsc.com))  
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