

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jul 30 2026

SC Court of Appeals

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

Appellate Case No.: 2025-001491

James Dustin Lucas

Appellant,

v.

Andre Knox,

Respondent.

**RESPONDENT’S REPLY TO APPELLANT’S RESPONSE TO THE
MOTION TO STRIKE PORTIONS OF
INITIAL BRIEF OF APPELLANT
AND APPELLANT’S DESIGNATION OF MATTER**

Pursuant to Rule 240(f), SCACR, Respondent Knox hereby submits this Reply to Appellant’s Response in Opposition to Respondent’s Motion to Strike.

In Appellant’s Response, he argues an issue regarding ADR was presented to the lower court and then goes on to discuss issues of default and a non-party, State Farm. He further discusses a prior appeal, as well as motions which are outside of this appeal. It appears Appellant is attempting to relitigate a matter that was already determined by this Court in *Lucas vs. State Farm Mutual Automobile Ins.Co.*, 2025 WL 101161 (Ct. App. 2025). Appellant then cites from the trial court transcript as support for his contention regarding the mediation issue. (Appellant’s Response, pg. 3). However, he did not cite to or present any explanation as to why an additional, undated, transcript should be included in the Record on Appeal. Respondent, of course, has no objection to the trial transcript in this case being part of the record. However, Respondent believes that Designation # 11 in Appellant’s Designation of Record should be stricken (“Transcript from

Court where opposing counsel acknowledged she violated ADR Rules”). It remains unclear which transcript is being referred to and whether it was a part of the present action in front of the lower court. Given Appellant’s argument in his Response regarding default, State Farm, and mediation, the unidentified transcript may be related to the *Lucas vs. State Farm Mutual Automobile Ins.Co.*, 2025 WL 101161 (Ct. App. 2025) matter. If that is the case, then the transcript is not part of any hearing or trial with the lower court in this matter and therefore, should be not in this case’s Record on Appeal. Counsel for Respondent attempted in good faith to get clarification on the transcript prior to filing the Motion to Strike, but did not receive a response. (Exhibit A).

With regard to Appellant’s affidavits (Designations 2 and 3), Appellant argues that the affidavits should be permitted because they relate to arguments which he intends to make on appeal. However, it is undisputed that those affidavits were signed by his counsel and his counsel’s paralegal well after the trial in the lower court was concluded, and they were not included in any post-trial motions made with the lower court. The first time these affidavits were presented to Respondent’s counsel or any court is when they were attached to Appellant’s Response. They are signed and dated after this appeal began. (Appellant’s Response, Ex. 2). As Respondent notes in his Response, the argument he seeks to maintain on appeal “was raised and presented to the Trial court on multiple occasions.” (Appellant’s Response, pg. 4). Respondent may then refer to those instances which would be in the transcript, but he may not create evidence after the fact and then attempt to include that in the appeal. See *Williamsburg Rural Water & Sewer Co. v. Williamsburg Cnty. Water & Sewer Auth.*, 367 S.C. 566, 627 S.E. 690 (2006), discussed *infra*.

Rule 210(c), SCACR is clear that the Record on Appeal “shall not...include matter which was not presented to the lower court or tribunal.” Nor should “[a] party...include any matter in his Designation which is not relevant to the appeal.” Rule 209(c), SCACR. In *Sanders vs. Allis*

Chalmers Mfg. Co., 235 S.C. 259, 111 S.E.2d 201 (1959), the Court held that it could not consider an affidavit upon appeal in part because it was not before the trial judge. *See also, State v. Johnson*, 147 S.C. 325, 145 S.E. 194 (1928) (holding a trial judge properly refused to include an affidavit in the appellate record as it was not presented to the court at any time and no proofer of it was made). In *Williamsburg Rural Water & Sewer Co. v. Williamsburg Cnty. Water & Sewer Auth.*, 367 S.C. 566, 627 S.E. 690 (2006), the Supreme Court found the Court of Appeals erred by resting its decision on an affidavit which was not presented to the trial court. The Court found, “[n]othing in the appellate court rules permits a party to unilaterally add after-created evidence to the record.” *Williamsburg*, at 571.

CONCLUSION

Respondent is not seeking to “hide matters from this Court” as stated in Appellant’s Response (Appellant’s Response, pg. 4). Rather, Respondent seeks to present a Record on Appeal to the Court which contains only matters presented to the lower court and relevant to this appeal as required by the South Carolina Appellate Court Rules. For the reasons set forth above, 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.

Respectfully submitted,

s/Jeanmarie Tankersley
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July 30, 2026

Tankersley, Jeanmarie

From: Tankersley, Jeanmarie
Sent: Friday, July 17, 2026 11:37 AM
To: 'josh@hjllcsc.com'; 'candie@hjllcsc.com'
Subject: Lucas vs. Knox

Josh and Candie,

I'm back from leave and working on the Lucas appeal. The Designation of Matter has listed "Transcript from Court where opposing counsel acknowledged she violation ADR rules." Can y'all let me know which transcript you're referring to?

Thank you and hope you have a good weekend,

Jeanmarie

PS: my new email and contact information is listed below.

Jeanmarie Tankersley | Attorney



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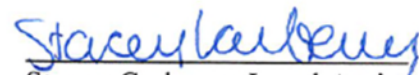
Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's Reply to Appellant's Response to 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 30, 2026 addressed to:

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SC Court of Appeals

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July 30, 2026

VIA EMAIL

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

Dear Ms. Kitchings:

This firm represents the Respondent in the above matter. Enclosed for filing, please find Respondent's Reply to Appellant's Response to the Motion to Strike Portions of Initial Brief of Appellant and Appellant's Designation of Matter together with our Proof of Service for the same.

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)
Helena LeeAnn Jedziniak (helena@hjllcsc.com)