



The South Carolina Court of Appeals

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July 31, 2026

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Re: Joseph N. Grate v. David A. Anderson
Appellate Case No. 2026-000708

Dear Counsel:

Enclosed is the Court's decision on the respondents' joint motion to strike. Within thirty (30) days from the date of this letter, respondents may serve and file the respondents' initial brief and designation of matter. The respondents' initial brief and designation of matter will not be considered by the Court if it is not served and filed within thirty (30) days from the date of this letter.

Very truly yours,


CLERK

The South Carolina Court of Appeals

Joseph N. Grate, Appellant,

v.

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

Appellate Case No. 2026-000708

ORDER

On May 18, 2026, Appellant filed his designation of matter. On May 29, 2026, Respondents filed a joint motion to strike Grate's designation of matter, arguing he designated matters not presented to the circuit court. Although the motion is unclear as to which designated matters Respondents specifically object, the motion lists "U.S. Certified Mail Documents" and "purported materials from CASE No. 2025-CP-00606." On June 15, 2026, Appellant filed a return, stating the materials from the other case were before the circuit court. On June 18, 2026, Respondents filed a reply. The order on appeal refers to *Grate v. Benson, et al.*, 2025-CP-22-00606 (*Grate I*) multiple times, indicates the circuit court considered *Grate I* in connection with a motion to dismiss pursuant to Rule 12(b)(8) of the South Carolina Rules of Civil Procedure, includes the circuit court overruling Appellant's objection to consideration of *Grate I*, and shows the circuit court took judicial notice of the pleadings in *Grate I*. After careful consideration, we deny Respondents' motion to strike. See Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.").



J.

FOR THE COURT

Columbia, South Carolina

cc:

Joseph N. Grate

J.W. Nelson Chandler, Esquire

James Matthew Johnson, Esquire

Eleanor Porter White, Esquire

Ashwin Ray Sanzgiri, Esquire