

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Maite Murphy, Circuit Court Judge

Lower Court Case Number 2025-CP-18-00640

Deborah Bowles, Appellant,

v.

City of North Charleston, IMC Charleston, LLC, and Wescott Plantation, Defendants,
of which City of North Charleston is the Respondent.

Appellate Case No. 2026-000775

MOTION TO STRIKE
RESPONDENT'S DESIGNATION OF MATTER

Pursuant to Rules 210 and 240, SCACR, counsel for Appellant respectfully requests this Court strike certain parts of Respondent's designations of matter to be included in the record on appeal. Appellant also requests this Court stay the deadline for filing the record on appeal until this motion is ruled upon.

Rule 209(b), SCACR, provides in part that the designation of matter to be included in the record on appeal "may only propose to include . . . materials which may be included in the Record on Appeal." Rule 210(c), SCACR, provides that "[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267." However, the rule further provides that "[t]he Record *shall not* . . . include matter which was not presented to the lower court or tribunal." (emphasis added).

Respondent designated four items that were not presented to the lower court:

13. Bowles Answers to Dorchester County and Dorchester County Public Work's Interrogatories dated May 16, 2025;

14. Bowles Supplemental Responses to Dorchester County and Dorchester County Public Work's Interrogatories dated May 21, 2025;

15. Email from James Hartman, Esq.'s office to Lisa Reynolds, Esq. dated May 21, 2025;

...

17. Correspondence from Lisa Reynolds, Esq. to James Hartman, Esq. dated July 30, 2025 advising of being retained to represent the City of North Charleston;

See Respondent's DOM. None of these items were ever submitted to the circuit court for consideration. The subject of this appeal is the circuit court's granting of North Charleston's motion to dismiss. As part of that motion, North Charleston submitted five exhibits:

Exhibit A – Initial Summons and Complaint;

Exhibit B – Consent Motion to Add North Charleston and Memorandum in Support;

Exhibit C – Order Adding North Charleston;

Exhibit D – Affidavit of Service of Amended Summons and Complaint on North Charleston; and

Exhibit E – Amended Summons and Complaint.

Each of these items are designated by the parties and will properly be included in the Record on Appeal. However, at no point did either party ever present to the lower court the Respondent's designated items 13, 14, 15, or 17. Accordingly, these documents cannot be included in the Record on Appeal in accordance with Rule 210(c), SCACR which prohibits documents not presented to

the lower court from being included. Appellant respectfully requests that this Court strike Respondent's Designation of Matter items 13, 14, 15, and 17. Appellant further requests that the deadline for filing and serving the Record on Appeal be stayed until the Court rules on this motion.

Respectfully submitted,

s/Adam Ruffin
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Attorney for Appellant

October 2, 2026

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SC Court of Appeals

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PROOF OF SERVICE

Pursuant to Rule 262(c)(3), SCACR, undersigned counsel hereby certifies that a true copy of the motion to strike Respondent's designation of matter in the above-referenced case has been served upon Lisa Reynolds and Rebecca Wade, at the primary e-mail address listed in the Attorney Information System (AIS), this 2nd day of October 2026.

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