

The South Carolina Court of Appeals

Amos Mack, Claimant, Appellant,

v.

Don's Car Crushing, Employer, and Business First
Insurance Co., Carrier, Respondents.

Appellate Case No. 2025-001178

ORDER

On May 12, 2026, Appellant filed the record on appeal. On May 28, 2026, Appellant filed an amended record on appeal. On June 5, 2026, Respondents filed a motion to strike Appellant's amended record on appeal, arguing it was incomplete because it did not include twelve of the fourteen matters designated by Respondents and included matter that was not properly before the court. On June 12, 2026, Appellant filed a second amended record on appeal.

On August 27, 2026, this court granted Respondents' motion to strike and struck the May 28, 2026 record on appeal. This court further ordered that the second amended record on appeal, filed on June 21, 2026 was not accepted as filed and ordered Appellant to serve and file a third amended record on appeal that included all of the matter designated by the parties, did not include any matter not presented to the lower court or tribunal, and was properly paginated.

On September 9, 2026, Appellant filed a motion to stay, seeking to "stay" the record on appeal because Respondents had a mandatory legal duty to send Appellant each of their designated matters and they did not. Respondents filed a return, opposing the motion. Appellant filed a reply.

After careful consideration, Appellant's motion to stay is denied. Within ten days of the date of this order, Appellant shall serve and file a third amended record on appeal that includes all of the matter designated by the parties, does not include any matter not presented to the lower court or tribunal, and is properly paginated.

The South Carolina Appellate Court Rules do not reflect a duty owed by Respondents to furnish Appellant with matters that Respondents have designated. *See* Rule 210(a), SCACR ("Within thirty (30) days after service of the last brief, the *appellant* shall serve a copy of the Record on Appeal on each party who has served a brief." (emphasis added)); Rule 210(b), SCACR ("The *appellant* must file the Record on Appeal with the clerk of the appellate court" (emphasis added)); Rule 210(c), SCACR ("The 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. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included."). Failure to comply will result in the dismissal of the appeal. The parties' final briefs shall be filed within twenty days of the third amended record on appeal.


J.
FOR THE COURT

Columbia, South Carolina

cc:

Amos Mack

Nicolas Lee Haigler, Esquire

FILED
Oct 07 2026