

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Thomas J. Rode, Circuit Judge

Appellate Case No. 2026-000229

IN RE: ESTATE OF JAMES L. STROBEL, Deceased,

DANIEL LLOYD STROBEL; JAMES ANDREW STROBEL; JOHN ANTHONY STROBEL;
and PETER NICHOLAS STROBEL,

Respondents,

v.

PAULA M. STROBEL, as Personal Representative of the Estate of James L. Strobel
and individually; DOROTHY ELIZABETH STROBEL BELL, as an interested person;
and ZOIE P. OGLETREE, as an interested person,

Defendants,

of whom PAULA M. STROBEL, as Personal Representative of the Estate of James
L. Strobel and individually; and DOROTHY ELIZABETH STROBEL BELL, as an
interested person, are the

Appellants.

**RESPONDENTS' MOTION TO STRIKE PORTIONS OF
APPELLANTS' DESIGNATION OF MATTER**

Respondents Daniel Lloyd Strobel, James Andrew Strobel. John Anthony Strobel. and
Peter Nicholas Strobel ("Respondents") hereby move the Court for an Order striking portions of
Appellants Paula M. Strobel's and Dorothy Elizabeth Strobel Bell's (collectively "Appellants")
Designation of Matter to be Included in Record on Appeal ("DOM") filed on August 17, 2026,
and further ordering Appellants to file an amended or corrected Initial Brief of Appellants which

deletes their citations to and discussion of these items that cannot properly be included in the Record on Appeal. In support of their motion, Respondents show as follows:

This case involves the estate of the late James L. Strobel (“Decedent”). The present action originated in the Probate Court and was thereafter removed to the Circuit Court pursuant to S.C. CODE ANN. § 62-1-302(d), thus the Circuit Court exercised only derivative jurisdiction. On November 3, 2025, following removal, Circuit Judge Thomas J. Rode entered an order denying Appellant Paula M. Strobel’s (“Appellant Strobel”) motion to amend her pleading pursuant to SCRCP 15(a) to add an *in personam* tort counterclaim for civil conspiracy and denying Appellant Strobel’s motion for a discretionary jury trial under SCRCP 39(b). Although no trial or final judgment has occurred, Appellants are attempting to appeal Judge Rode’s interlocutory order denying those two motions. See Notice of Appeal filed 1.27.26 Exh. A.¹

Appellants’ DOM now improperly designates documents to be included in the Record on Appeal which they did not present to Judge Rode before he issued his order denying Appellant Strobel’s motions. The materials improperly included are Items 38, 39, 40, 41, 42, and 44 as well as portions of Items 51 and 52 as listed on the DOM. The improper materials comprise numerous deposition transcripts, correspondence and emails between Appellants’ counsel and the Dorchester County Family Court and the Charleston County Probate Court concerning document subpoenas that Appellants issued to those nonparties, portions of the Dorchester County Family

¹ On March 30, 2026, Respondents filed a Motion to Dismiss Appeal in this Court on the grounds that Appellants are improperly attempting to appeal interlocutory orders that are not immediately appealable and also because Appellant Dorothy Elizabeth Strobel Bell (“Appellant Bell”) lacks standing to appeal from orders denying motions filed by her mother, Appellant Strobel. See Respondents’ Motion to Dismiss filed 3.30.26. On June 2, 2026, The Honorable H. Bruce Williams entered an Order that “merely allows the appeal to proceed at this time and does not finally determine whether the underlying order is subject to immediate review.” See Order filed 6.2.26. His Order further provides: “Nothing prevents Respondents from raising the question of appealability and standing as issues in their appellate brief should Respondents so choose.” Id.

Court's response to Appellants' document subpoena, and the Charleston County Probate Court's response to Appellants' document subpoena. Appellants did not present these documents to Judge Rode for his consideration in ruling on their motions. Appellants are now improperly attempting to include materials in the Record on Appeal that they failed to present to Judge Rode before his order denying their motions.

For the reasons stated herein, Items 38, 39, 40, 41, 42, and 44 and the portions of Items 51 and 52, 51, and 52 as listed on Appellants' DOM should be stricken from the Record on Appeal for the reason that they were not presented to Judge Rode and are irrelevant to this appeal. Appellants should be further required to amend or correct their Initial Brief of Appellant to delete these improper citations and to eliminate their discussion of these documents.

BACKGROUND

James L. Strobel ("Decedent") died on January 3, 2022. Respondents are his four sons. Their mother is Defendant Zoie P. Ogletree ("Defendant Ogletree"). Decedent is Appellant Bell's father. Appellant Bell's mother is Appellant Strobel. Appellant Strobel serves as the personal representative for Decedent's estate.

The present action originated in the Probate Court on December 6, 2022. Despite the fact that the case had been pending in the Probate Court for almost three years, on August 16, 2024, over Respondents' objections, Appellant Bell belatedly removed the case to the Circuit Court even though she is merely an interested person and no claims have been asserted against her.²

² Appellant Bell filed the motion to remove the case to the Circuit Court because Appellant Strobel's (her mother) time for removal had already lapsed under S.C. CODE ANN. § 62-1-302(d). The probate court's scheduling order dated September 6, 2023, which set a discovery cut-off and other deadlines, had already ended and the case was subject to trial in the Probate Court on June 6, 2024. Removal of the case to the Circuit Court prevented the trial from occurring in the Probate Court and has delayed the trial of the case by several years. See Respondents' Motion to Dismiss filed 3.30.26 Exhs. M & N.

Appellant Bell did not make an appearance in the case until over thirteen months after she was served with the initial Petition. Her mother's legal counsel also serve as her legal counsel.

Respondents' Petition filed in the Probate Court initially named as parties Appellant Strobel (individually and as personal representative of the estate) and Appellant Bell. The Petition does not demand a jury trial. It also does not seek any affirmative relief against Appellant Bell. Paragraph 13 states: "[Bell] is named as a party to this action solely because, upon information and belief, she is a potential heir and an interested person with respect to Decedent's estate, and her interest may be adversely affected by this Action."

In their Petition, Respondents seek to enforce the provisions of a written separation agreement dated March 4, 1977, that Decedent executed with their mother, Defendant Ogletree. This separation agreement was filed with the Dorchester County Family Court on April 18, 1977. The terms of the separation agreement require Decedent to make an irrevocable will leaving the greater of \$25,000 or 50% of his estate to Respondents in equal shares. The inventory filed by Appellant Strobel values Decedent's estate at \$4,489,000.00.³

³ While Respondents maintain that Appellants' Initial Brief improperly cites to and discusses deposition testimony which Appellants did not present to Judge Rode before he issued his Order denying Appellant Strobel's motions and thus Appellants should be ordered to remove these citations and discussion from their Initial Brief, Respondents note here that Appellants' Initial Brief distorts the actual deposition testimony of the witnesses. Their testimony does not show that Defendant Ogletree "conspired" with the Decedent to obtain a "quicky" divorce in the Dominican Republic, which is a claim that Appellants have recently concocted. Rather, the testimony shows that within days or weeks after Decedent executed his separation agreement with Defendant Ogletree on March 4, 1977, which was filed with the Dorchester County Family Court, he then *unilaterally* traveled to the Dominican Republic without Defendant Ogletree's knowledge in an attempt to obtain a divorce decree in that country. At the time, Decedent and Defendant Ogletree were separated and both resided in Dorchester County. Defendant Ogletree never set foot in the Dominican Republic. She was unaware that Decedent had traveled to that country. No divorce decree from the Dominican Republic has been discovered or produced.

In any event, nothing in the separation agreement refers to the Dominican Republic, states that Decedent and Defendant Ogletree intended to seek or obtain a divorce in that country, or states that the agreement's validity or enforceability is dependent or conditioned upon

Decedent's Last Will & Testament dated March 24, 2003 (Will"), which Appellant Strobel filed for probate on February 8, 2022, does not devise or leave any portion of Decedent's estate to his four sons (Respondents) or to his daughter (Appellant Bell). Instead, the Will would leave Decedent's entire estate to Appellant Strobel and would altogether disinherit Decedent's children. Appellant Bell receives nothing under the terms of either the separation agreement or the Will.

Respondents were unaware of the separation agreement until July of 2022. Although Appellant Strobel admits she knew of the separation agreement by no later than January of 2022, Respondents assert that she intentionally withheld the separation agreement from them and she failed to apprise the Probate Court or Respondents of its provisions when she filed for probate on February 8, 2022, including the requirement that Decedent make an irrevocable will for the Respondents' benefit.

The initial Petition asserts claims for (1) declaratory judgment; (2) breach of contract/breach of covenant of good faith & fair dealing—specific performance; (3) breach of

Decedent and Defendant Ogletree ever obtaining a divorce anywhere, much less a divorce in the Dominican Republic. A separation agreement is enforceable even if the parties never actually divorce. As Judge Rode ruled in his order dated November 3, 2025, Appellants are seeking to raise futile claims that will not invalidate the separation agreement because that agreement is an independent contract enforceable regardless of whether the parties ever validly divorced. See Order filed 11.3.25 pp. 7-10. Moreover, Judge Rode held that the Circuit Court lacks subject matter jurisdiction over the *in personam* tort counterclaim for civil conspiracy that Appellant Strobel now wants to raise given that this case originated in the Probate Court and was removed to the Circuit Court, thus the Circuit Court is merely exercising derivative jurisdiction under the South Carolina Probate Code, not the same jurisdiction that a Circuit Court could have exercised if the case had been brought there in the first instance.

Notably, Decedent accepted and fully enjoyed the separation agreement's benefits for over forty-four years. He never sought to invalidate the agreement at any time during his lifetime. It was only post-mortem that Appellant Strobel is now seeking to invalidate the separation agreement's requirement that the Decedent make an irrevocable will leaving the greater of \$25,000 or 50% of his estate to Respondents in equal shares because to do so would render Appellant Strobel the sole beneficiary of Decedent's entire estate and would completely disinherit Respondents (Decedent's sons and Appellant Strobel's stepsons).

contract/breach of covenant of good faith & fair dealing—actual damages; (4) breach of fiduciary duty; (5) unjust enrichment/constructive or resulting trust; and (6) attorneys’ fees pursuant to S.C. CODE ANN. § 62-1-111.

On February 3, 2023, Appellant Strobel filed her Answer. It did not make a demand for a jury trial. While Appellant Bell was served with the Petition on January 6, 2023, she did not answer or otherwise respond.

On September 8, 2023, Respondents filed an Amended Petition that again does not demand a jury trial. See Respondents’ Motion to Dismiss filed 3.30.26 Exh. A. The Amended Petition adds Defendant Ogletree as an interested person. It also adds a cause of action requesting Appellant Strobel’s removal as personal representative of the estate for cause pursuant to S.C. CODE ANN. § 62-3-611 and it seeks a declaratory judgment that Decedent’s alleged divorce from Defendant Ogletree that was supposedly obtained in the Dominican Republic is invalid under our state’s version of the Uniform Divorce Recognition Act, S.C. CODE ANN. §§ 20-3-210 to -440.⁴ See Powers v. Powers, 273 S.C. 51, 254 S.E.2d 289 (1979). Consequently, Defendant Ogletree was Decedent’s surviving spouse at his death. Decedent’s subsequent marriage to Appellant Strobel on April 29, 1977, is bigamous and void under state law. See S.C. CODE ANN. § 20-1-80; Day v. Day, 216 S.C. 334, 58 S.E.2d 83 (1950).

The Amended Petition alleges claims for (1) declaratory judgment; (2) breach of contract/breach of covenant of good faith & fair dealing—specific performance; (3) breach of contract/breach of covenant of good faith & fair dealing—actual damages; (4) breach of fiduciary duty; (5) unjust enrichment/constructive or resulting Trust; (6) removal of personal

⁴ Appellant Strobel claims that Decedent obtained a divorce from Defendant Ogletree in the Dominican Republic sometime in March 1977. As noted above, no such divorce decree has been produced. In any event, the separation agreement dated March 4, 1977, nowhere states it is dependent or contingent upon the Decedent and Defendant Ogletree obtaining a divorce.

representative; and (7) attorneys' fees pursuant to S.C. CODE ANN. § 62-1-111. It does not seek any affirmative relief against Appellant Bell or Defendant Ogletree. Paragraph 22 states: "[Ogletree] and [Bell] are named as parties to this action solely because, upon information and belief, they are potential heirs and are interested persons with respect to Decedent's estate, and their interest may be adversely affected by this Action."

On September 21, 2023, Defendant Ogletree was served with the Amended Petition. However, she did not answer or otherwise respond.

On November 17, 2023, Appellant Strobel filed her Answer to the Amended Petition. Her Answer did not demand a jury trial. On December 18, 2023, she then filed her Amended Answer, which adds a counterclaim for unjust enrichment and adds a demand for a jury trial as a matter of right for the first time.

On January 2, 2024, Respondents filed their reply to Appellant Strobel's counterclaim. Paragraph 30 requests that Appellant Strobel's demand for a jury trial be stricken on the basis that she is not entitled to a jury trial and because she waived any right to a jury trial as a matter of right by not timely making a demand for same pursuant to SCRCP 38(b).

On February 28, 2024, through her legal counsel, Appellant Bell appeared in the case for the first time. Her attorneys also represent Appellant Strobel. On April 15, 2024, Appellant Bell filed her Answer to the Amended Petition even though it makes no claim against her. She also alleged counterclaims against Respondents for unjust enrichment, civil conspiracy, and partition and contribution as well as cross-claims against Defendant Ogletree for unjust enrichment and civil conspiracy.

Appellant Bell's Answer did not demand a jury trial. Nevertheless, on April 25, 2024, she filed a motion for removal asking the Probate Court to grant mandatory removal of the case to

the Circuit Court pursuant to S.C. CODE ANN. § 62-1-302(d) on the basis that “claims have been raised entitling parties to a jury trial” See Motion for Removal filed 4.25.24. Respondents were unsure whether this motion could be treated as a demand for a jury trial. On May 2, 2024, Respondents filed a motion to strike Appellant Bell’s demand for a jury trial (to the extent a demand was made) and they also filed a separate motion to strike Appellant Strobel’s demand for a jury trial under Rule 38(b). See Respondents’ Motion to Dismiss filed 3.30.26 Exhs. B & C. On May 13, 2024, Respondents also filed a motion to dismiss Appellant Bell’s counterclaims. See Respondents’ Motion to Dismiss filed 3.30.26 Exh. D.

On May 13, 2024, Appellant Strobel filed a Motion to Amend Answer pursuant to SCRCP 15(a) seeking to add a counterclaim for civil conspiracy. See Respondents’ Motion to Dismiss filed 3.30.26 Exh. E. On June 24, 2024, Appellant Strobel then filed a Motion for Jury Trial pursuant to the court’s discretionary authority granted under SCRCP 39(b). See Respondents’ Motion to Dismiss filed 3.30.26 Exh. F.

On August 16, 2024, over Respondents’ objections, the Probate Court granted Appellant Bell’s motion for removal and entered an order removing the case to the Circuit Court. The Probate Court did not resolve or decide the parties’ pending motions.

On October 15, 2024, following removal of the case, Respondents refiled their pending motions with the Circuit Court, including their motion to dismiss Appellant Bell’s counterclaims, their motion to strike Appellant Bell’s demand for a jury trial, and their motion to strike Appellant Strobel’s demand for a jury trial.

On July 31, 2025, following a hearing conducted on June 5, 2025, Circuit Judge S. Bryan Doby granted Respondents’ motion to dismiss Appellant Bell’s counterclaims and held Appellant Bell lacked standing and was not a real party in interest under SCRCP 17(a) to assert

the counterclaims alleged in her answer. See Respondents’ Motion to Dismiss filed 3.30.26 Exh. G. Judge Doby found that Appellant Bell “is attempting to assert counterclaims on behalf of her mother, Defendant Strobel” and that she “lacks standing to seek recovery on her mother’s behalf.” Id. p.6. He also granted Respondents’ motion to strike Appellant Bell’s demand for a jury trial.⁵ Id. p.11-12. On August 25, 2025, Judge Doby denied Appellant Bell’s Motion to Alter or Amend. See Respondents’ Motion to Dismiss filed 3.30.26 Exh. I. Appellant Bell did not appeal Judge Doby’s orders dismissing her counterclaims or striking her demand for a jury trial.

On August 27, 2025, Judge Rode conducted another hearing involving Appellant Strobel’s Motion to Amend Answer (originally filed in the Probate Court on May 13, 2024, and later refiled in the Circuit Court on June 23, 2025) and Appellant Strobel’s Motion for Jury Trial pursuant to SCRCP 39(b) (originally filed in the Probate Court on June 24, 2024, and later refiled in the Circuit Court on June 23, 2025). See Respondents’ Motion to Dismiss filed 3.30.26 Exh. J. Despite Judge Doby’s order requiring that Respondents’ Motion to Strike Appellant Strobel’s demand for a jury trial as a matter of right under Rule 38(b) be heard at the same time as these motions, the Clerk of Court had not placed Respondents’ motion on the roster for August 27. Consequently, Judge Rode declined to hear Respondents’ motion at that hearing. Id. p.5 n.1 and p.19 n.4. Respondents’ motion has not yet been heard or ruled upon by the Circuit Court and remains pending.

On November 3, 2025, Judge Rode entered an order denying Appellant Strobel’s Motion to Amend Answer pursuant to SCRCP 15(a) and also denying her Motion for Jury Trial under

⁵ Although Respondents’ Motion to Strike Appellant Strobel’s demand for a jury trial was also set to be heard by Judge Doby at the June 5, 2025, hearing, he deferred that motion and directed that it be rescheduled for another hearing to be held simultaneously with Appellant Strobel’s Motion to Amend Answer, which she had not yet refiled in the circuit court following removal of the case thus it wasn’t on the June 5 roster of motions to be heard. See Respondents’ Motion to Dismiss filed 3.30.26 Exh. H.

the discretionary authority of SCRCP 39(b). Id. Footnotes 1 and 4 of his order explicitly state that he did not rule upon or dispose of Respondents' separate Motion to Strike Appellant Strobel's demand for a jury trial as a matter of right under SCRCP 38(b) because that motion was not scheduled for a hearing before him. Id. p.5 n.1 and p.19 n.4.

On November 13, 2025, Appellant Strobel moved to alter or amend Judge Rode's order. See Respondents' Motion to Dismiss filed 3.30.26 Exh. K. On December 31, 2025, Judge Rode denied the motion. Id. Exh. L. On January 27, 2026, Appellants Strobel and Bell filed the instant appeal seeking to appeal Judge Rode's order denying Appellant Strobel's Motion to Amend Answer and her Motion for Jury Trial pursuant to SCRCP 39(b). See Notice of Appeal.

LAW AND ANALYSIS

This is an appeal from Circuit Judge Thomas J. Rode's order denying Appellant Strobel's Motion to Amend Answer pursuant to SCRCP 15(a) and denying her Motion for Jury Trial under the discretionary authority of SCRCP 39(b).

Rule 210(c) of the SCACR states in pertinent part 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" and that "[t]he Record shall not, however, include matter which was not presented to the lower court or tribunal." Rule 210(c), SCACR. Material must have been "presented to" the Circuit Judge to be included in the Record on Appeal. It is improper to include material in the Record on Appeal that was not submitted to the Circuit Judge. This Court has been steadfast in rejecting attempts to include in the Record on Appeal materials that were not presented to the trial judge before his or her ruling which is being appealed from. See, e.g., State v. White, 372 S.C. 364, 387, 642 S.E.2d 607, 619 (Ct. App. 2007) (holding witness statement that was not presented to Circuit Judge could not be included in Record on Appeal); Norris v.

Ferre, 315 S.C. 179, 183, 432 S.E.2d 491, 493 (Ct. App. 1993) (Court of Appeals denied motion to supplement the Record on Appeal with deposition testimony from an unrelated action “since the matters were not presented to the trial judge.”).

In Croft as Tr. of James A. Croft Tr. v. Town of Summerville, 428 S.C. 576, 597, 837 S.E.2d 219, 230 (Ct. App. 2019), vacated other grounds, 433 S.C. 473, 860 S.E.2d 352 (2021), the appellants argued in the Circuit Court and on appeal that a partnership agreement was illegal and had designated for inclusion in the Record on Appeal several items that were part of the record in a separate action in the Circuit Court in which the appellants had challenged the validity of the same agreement. However, those particular items had not been presented to the Circuit Court in the case that was then on appeal. Consequently, applying Rule 210(c), SCACR, this Court granted a motion striking those items from the Record on Appeal. Id. at 597 n.5, 837 S.E.2d at 230 n.5.

Similarly, in AKPA Chem. US, Inc. v. Eren, No. 2024-002032, 2026 WL 2186325 (S.C. Ct. App. July 29, 2026), although an unpublished decision, this Court just recently refused to consider a party’s deposition transcript because the appellant had not submitted it to the Circuit Judge during the bench trial. The Court cited to Rule 210(c) and explained that “the record on appeal shall not contain material that was not presented to the circuit court.” Id. at *2. In another unpublished decision, this Court also recently noted that “[t]he record on appeal include[d] a family court order issued after the order on appeal” and held that “[b]ecause the second order was not available at the time the family court ruled on the matter at hand, we have not considered the later order.” Martin v. Blauser, No. 2025-000679, 2026 WL 482246, at *2 n.2 (S.C. Ct. App. Feb. 20, 2026) (citing Rule 210(c), SCACR); see also Holloman v. Walters, No. 2022-000771, 2026 WL 1819064, at *2 n.2 (S.C. Ct. App. June 24, 2026) (Court of Appeals refused to consider

a summary of credit card payments attached to party's appellate brief because party had not presented the summary to the family court.).

In the present case, Items 38, 39, 40, 41, 42, and 44 and portions of Items 51 and 52 as listed on Appellants' DOM were not presented to Judge Rode for his consideration when he denied Appellants' motions. These materials should not be included in the Record on Appeal. The items are discussed in two groups below.

Deposition Transcripts (Items 38, 39, 40, 41, 42, and 44)

Appellants' Initial Brief makes citations to and discusses several depositions (Items 38, 39, 40, 41, 42, and 44 on the DOM) that are not properly included in the Record on Appeal. Indeed, a considerable portion of Appellant's Initial Brief purports to describe or summarize various deposition testimony. Specifically, pages 5, 6, 7, 8, 11, and 12 of Appellants' Initial Brief cite to testimony from deposition transcripts. Appellants never presented these deposition transcripts to Judge Rode for his consideration. Because Appellants did not present these deposition transcripts to Judge Rode, they should not be included in the Record on Appeal.

Subpoena Production from Dorchester County Family Court and Charleston County Probate Court (Items 51 and 52)

Appellants' Initial Brief and DOM (Items 51 and 52 on the DOM) also indicate that Appellants intend to include in the Record on Appeal what they describe as the "Dorchester County Subpoena Production" and the "Charleston County Subpoena Production." Based on the documents that were produced by Appellants to Respondents in discovery, it appears that Appellants intend to include in the Record on Appeal copies of correspondence and emails that Appellants' counsel sent to or received from the Dorchester County Family Court and the Charleston County Probate Court involving document subpoenas which Appellants had issued to those entities. However, Appellants did not file with the Circuit Court in this case any of their

correspondence or emails with the Dorchester County Family Court or the Charleston County Probate Court concerning either of their document subpoenas. Appellants' correspondence and emails to and from the Dorchester County Family Court or the Charleston County Probate Court should not be included in the Record on Appeal.

Appellants also evidently intend to include in the Record on Appeal the entirety of the documents they received from the Dorchester County Family Court pursuant to their document subpoena issued to that entity. Yet, Appellants did not file with the Circuit Court all of the documents they received from the Dorchester County Family Court pursuant to their subpoena. Instead, prior to Judge Rode's order denying Appellant Strobel's motions, Appellants filed only select or certain documents from the Dorchester County Family Court's files. It would be improper to include the Dorchester County Family Court's entire subpoena response in the Record on Appeal.

Finally, Appellants also apparently intend to include in the Record on Appeal copies of the documents they received from the Charleston County Probate Court pursuant to their document subpoena issued to that entity. However, Appellants did not file with the Circuit Court in this case any of the documents which they received from the Charleston County Probate Court in response to their document subpoena. Page 7 of Appellants' Initial Brief improperly cites to and discusses these documents.

Because the documents described above were not submitted to Judge Rode for his consideration in this matter, they cannot be included in the Record on Appeal pursuant to Rule 210(c), SCACR. This Court should decide this appeal based solely upon the documents that were presented to Judge Rode for his consideration and should strike from the Record on Appeal all documents that were not presented to him. This Court should further order Appellants to file an

amended or corrected Initial Appellant Brief deleting their citations to and discussion of these documents that must be stricken.

CONCLUSION

Based on the foregoing, Respondents respectfully request an Order of the Court striking from Appellants' Designation of Matter to be Included in Record on Appeal filed on August 17, 2026, Items 38, 39, 40, 41, 42, and 44 and the portions of Items 51 and 52 that were not presented to the Circuit Judge for his consideration in ruling on Appellants' motions, and further ordering Appellants to file an amended or corrected Initial Brief of Appellants deleting their citations to and discussion of these items that must be stricken.

Appellants further request that the deadlines or due dates for them to file and serve their Initial Brief of Respondents and their Designation of Matter to be Included on Appeal be stayed or continued until the Court has issued an Order resolving the present motion.

Respectfully Submitted,

ROSEN HAGOOD, LLC

By: /s/ Daniel F. Blanchard, III
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ATTORNEYS FOR RESPONDENTS

October 6, 2026.

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM CHARLESTON COUNTY
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L. Strobel and individually; and DOROTHY ELIZABETH STROBEL BELL, as an
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Appellants.

PROOF OF SERVICE

Pursuant to SCACR 262(c)(3), I hereby certify that on October 6, 2026, I personally served the Respondents' Motion to Strike Portions of Appellants' Designation of Matter on the Appellants and Defendants above-named via electronic means by sending a copy of same to the following attorneys of record for Appellants and Defendants via e-mail using their primary e-mail addresses as listed in the Attorney Information System (AIS) as follows:

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A copy of the sent e-mail is filed with this Proof of Service.

This the 6th day of October, 2026.

ROSEN HAGOOD, LLC

By: /s/ Daniel F. Blanchard, III

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