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Oct 29 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Court Judge
Case No.: 2025-CP-40-06986

Appellate Case No. 2026-000774

Brandi Barnett and Kevin Rubink, Plaintiffs,

v.

Luke Shealey, Brian Shealey, and Shealey Law Firm, LLC, Defendants,

of which Brandi Barnett is the Appellant and Luke Shealey is the Respondent.

**RESPONDENT'S MOTION TO STRIKE MATTERS
FROM THE RECORD ON APPEAL**

Respondent, by and through his undersigned attorneys, files this Motion to Strike Matters from the Record on Appeal as certain matters contained within the Record on Appeal do not comply with Rule 210(c), SCACR, as the matters were not presented to the lower court in rendering the Order that is being appealed from. "The Record shall not . . . include matter which was not presented to the lower court or tribunal." *See* Rule 210(c), SCACR; *see also AKPA Chemical US, Inc. v. Eren*, No. 2024-002032, 2026 W.L. 2186325, at *2 (Ct. App. July 29, 2026) (noting that the Court was not considering a deposition on appeal because it was not submitted to the circuit court during the bench trial); *Martin v. Blauser*, No. 2025-000679, 2026 W.L. 482246, at *2 n. 2 (Ct. App. Feb. 20, 2026) (noting that the Court would not consider a family court order issued after the order on appeal because it was not presented to the trial court).

The matters in the Record on Appeal that were not presented to the lower court include:

- R. pp. 17-22 – Motion to Strike, for Sanctions, and for Other Relief, dated February 4, 2026, and filed in Case No. 2025-CP-40-04675;
- R. pp. 22-29 – The Order, dated February 25, 2026, and entered in Case No. 2025-CP-40-04675;
- R. p. 30 – A copy of the Fee Disputes Board’s letter enclosing its file, and filed in Case No. 2025-CP-40-04675;
- R. p. 31 – Email between Appellant and Respondent Re: Termination dated May 20, 2024; and
- R. pp. 200-211 – Appellant’s Motion for Relief from Judgment and Sanction/Prefiling Order Pursuant to Rule 60(b)(3), 60(b)(4), and 60(b)(6), SCRCF, and Motion to Vacate or Clarify Sanction-Related Findings, dated May 14, 2026 (filed after the lower court’s Order was entered).

Because these matters were not presented to the lower court in connection with Case No. 2025-CP-40-06986, or the lower court’s Order, Respondent respectfully requests that this Court strike these matters from the Record on Appeal and not consider them in connection with this pending appeal.

This 29th day of October, 2026.

Respectfully submitted,

COPELAND, STAIR, VALZ & LOVELL, LLP

s/Douglas W. MacKelcan

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Daniel Coble, Circuit Court Judge
Case No.: 2025-CP-40-06986

Appellate Case No. 2026-000774

Brandi Barnett and Kevin Rubink,.....Plaintiffs,

v.

Luke Shealey, Brian Shealey, and Shealey Law Firm, LLC,.....Defendants,

of which Brandi Barnett is the Appellant and Luke Shealey is the..... Respondent.

PROOF OF SERVICE

I certify that I have served ***Respondent's Motion to Strike Matters from the Record on Appeal*** upon the parties below by electronic mail, addressed as follows:

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Pro se Appellant

This 29th day of October, 2026.

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