

# The South Carolina Court of Appeals

Monroe E. Cook and Lynn S. Cook, Appellants,

v.

Nealy Lynn Taylor, Respondent.

Appellate Case No. 2013-000926

---

## ORDER

---

Respondent filed a motion to strike "Argument I" of Appellants' reply brief, arguing the facts alleged in that section do not appear in the record on appeal, the issue was not raised to or ruled upon by the trial court, and the issue was not argued in Appellants' initial brief. In the contested section, Appellants argue this court should reverse the decision of the special referee and grant a new trial because prior to trial, and unbeknownst to them, their trial counsel agreed to join Respondent's trial counsel's law firm after the trial ended. Appellants argue this relationship created a conflict of interest and their trial counsel should have moved to be relieved. Appellants concede this issue was not raised to the trial court, but assert they had no knowledge of trial counsel's intentions until after the trial ended.

After careful consideration, Respondent's motion is granted. Within thirty days, Appellants shall file an amended reply brief with the contested section omitted. *See* Rule 208(b)(4), SCACR ("The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal . . . to support the salient facts alleged."); Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.").

IT IS SO ORDERED.

  
FOR THE COURT

Columbia, South Carolina

cc: Philip Coleman Thompson, Sr.  
Gene McCain Connell, Jr.

FILED  
2/27/14