

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas**

71697

The Honorable Edward W. Miller, Circuit Court Judge

C.A. No.: 2013-002232

Lee C. P. and Nelle S.P., as Guardians ad Litem for L.P., a minor, Respondents.

v.

The School District of Greenville County,Appellant.

APPELLANT'S MOTION TO STRIKE

Appellant, Greenville County School District, hereby moves to strike pages 136 through 139 of the Record on Appeal, which represent items 26, 27, 28, and 29 in Respondents' Designation of Matter to be Included in the Record on Appeal in this matter.

Pursuant to Rule 210(c) and 210(g) of the Appellate Court Rules, Appellant has initially included all material proposed to be included by Respondents, including Items 26, 27, 28, and 29 of their Designation. However, pursuant to SCACR 210(c), these particular materials were not at any point presented to the lower court or considered by the lower court and thus, no facts in those materials can be considered by this Court pursuant to Rule 210(h).

Appellant further submits that because the materials included at pages 136 through 139 of the Record on Appeal were not presented to the trial court, they are thus not relevant to the

appeal and Respondents should not have designated them to be included in the Record on Appeal in accordance with Rule 209(b) and (c). As such, pages 136 through 139 should be stricken from the Record On Appeal.

Pursuant to SCACR 240(c)(2), counsel for Appellant has discussed the substance of this motion with counsel for Respondents, and Respondents have declined to withdraw the designated items. Appellant further submits that the grounds for this motion are clearly stated herein and a memorandum of law would serve no useful purpose.

Respectfully submitted,

By:



CHILDS & HALLIGAN, P.A.
Kenneth L. Childs, S.C. Bar No. 1217
kchilds@childs-halligan.net
Thomas K. Barlow, S.C. Bar No. 8995
tbarlow@childs-halligan.net
P.O. Box 11367
Columbia, South Carolina 29211
(803) 254-4035

R. Douglas Webb, S.C. Bar No. 74747
General Counsel
Greenville County Schools
P.O. Box 2848
Greenville, SC 29602

Attorneys for Appellant

March 25, 2014
Columbia, South Carolina

Other Counsel of Record:

Carl F. Muller, Esq.
Carl F. Muller, Attorney at Law, P.A.
607 Pendleton Street, Suite 201
Greenville, SC 29601
(864) 991-8904

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PROOF OF SERVICE

I certify that I have served APPELLANT'S MOTION TO STRIKE on counsel for Respondents, by depositing a copy of it in the U.S. Mail, postage prepaid, on March 25, 2014, addressed to Carl F. Muller, Esq., 607 Pendleton Street, Suite 201, Greenville, SC 29601.

Respectfully submitted,

By: 

CHILD & HALLIGAN, P.A.
Kenneth L. Childs, S.C. Bar No. 1217
kchilds@childs-halligan.net
Thomas K. Barlow, S.C. Bar No. 8995
tbarlow@childs-halligan.net
P.O. Box 11367
Columbia, South Carolina 29211
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