

The South Carolina Court of Appeals

William E. Miller, Jr., Employee, Claimant, Appellant,

v.

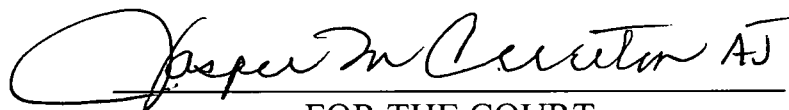
Owen Steel Company, Inc., Employer, and Great
American Insurance Group c/o Strategic Comp Services,
Carrier, Respondents.

Appellate Case No. 2013-001564

ORDER

Respondents filed a motion to strike (1) one paragraph in Appellant's initial reply brief that references evidence Appellant unsuccessfully moved to have admitted by way of a motion to supplement, (2) Item 12 from Appellant's Designation of Matter, which includes Appellant's motion to supplement, its attachments, and the order denying the motion, and (3) Items 6 and 7 from Appellant's Designation of Matter, which reference "proposed submissions." Respondents withdrew the objection to Appellant's designation of "proposed submissions" upon Appellant's agreement to replace that designation with "APA Submissions."

Because the matters designated in Item 12 and referenced in Appellant's initial reply brief were presented to the commissioner, Respondents' motion to strike is denied. *See Rule 210(c)*, SCACR ("The Record shall not, however, include matter which was not presented to the lower court."). Within ten days, Appellant shall file an amended designation of matter to replace "proposed submissions" with "APA Submissions."



FOR THE COURT

Columbia, South Carolina

cc: John Charles Ormond, Jr., Esquire
Jason Wendell Lockhart, Esquire
Weston Adams, III, Esquire
Helen Faith Hiser, Esquire
M. McMullen Taylor, Esquire

FILED

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