

The South Carolina Court of Appeals

William H. Bailey, Jr., Appellant,

v.

Marilyn Hatley, individually and as Mayor of the City of North Myrtle Beach, Michael G. Mahaney, Christopher Noury, and the City of North Myrtle Beach, Respondents.

Appellate Case No. 2014-000756

ORDER

Appellant has filed a motion to strike references in Respondents' designation of matter and initial brief to a complaint and trial court order from a similar case currently pending in Horry County. Appellant argues the referenced documents were not presented to the trial court in this case. Respondents consented to removing the reference in their designation of matter and have filed an amended designation of matter with the reference removed. However, Respondents oppose the motion to strike the reference in their initial brief, and in a separate motion they request that this court take judicial notice of the documents. Respondents' motion for judicial notice is denied. *See Masters v. Rodgers Dev. Grp.*, 283 S.C. 251, 256, 321 S.E.2d 194, 197 (Ct. App. 1984) ("Appellate courts are generally reluctant to notice adjudicative facts even when those facts may be absolutely reliable."). Appellant's motion to strike is granted. We note Respondents have filed a final brief with the contested reference removed. Accordingly, no further action by the parties is necessary in relation to these motions.


FOR THE COURT

FILED

11/25/14

Columbia, South Carolina

cc: Kenneth Ray Moss, Esquire
Michael Warner Battle, Esquire