

The South Carolina Court of Appeals

Caitlin Elisabeth Braun, Appellant,

v.

The Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., Two Heels, Inc. d/b/a State Street Pub and Sunbelt Golf Development, Inc. d/b/a Indian River Golf Course, Defendants,

Of whom The Ben Arnold Sunbelt Beverage Company of South Carolina, L.P. is the Respondent.

Appellate Case No. 2014-001567

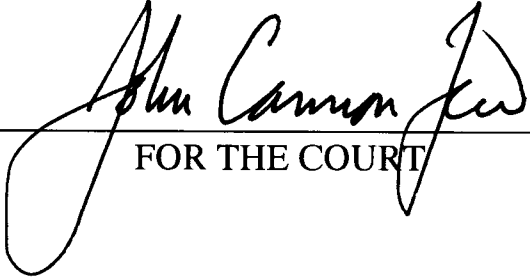
ORDER

Respondent has filed a motion to strike certain items from the Appellant's Designation of Matter to be Included in the Record on Appeal. Specifically, Respondent requests this court strike the transcript of Caitlin Braun's deposition testimony in *Shumate v. Braun, et. al.*, 2011-CP-20-302, and *Shumate v. Braun, et. al.*, 2011-CP-20-302. Appellant has not filed a return opposing the motion.

After careful consideration, this court grants the motion to strike. *See* Rule 210(c), SCACR (stating the record shall not "include matter which was not presented to the lower court"); Rule 209(b), SCACR ("[T]he Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]"). No portions of the deposition shall be included in the record on appeal or the parties' initial briefs. Within twenty days, Appellant and Respondent shall serve and file amended initial briefs that omit references and citations to this deposition.

Respondent also asserts Appellant has not ordered a transcript of the summary judgment proceedings. Appellant shall order the hearing transcript and provide

proof of compliance within ten days. Appellant shall also notify this court when the transcript is delivered.


FOR THE COURT

Columbia, South Carolina

cc:

Henry Ronald Stanley, Esquire
Jerry Leo Finney, Esquire
John Edward Cuttino, Esquire

FILED
12/18/14