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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

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Circuit Court Case No. 2012-CP-40-04652
S.C. Court of Appeals Case No. 2014-000669

SC COURT OF APPEALS

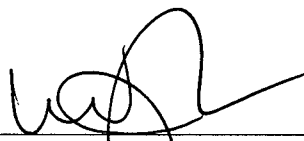
James W. Trexler,

Appellant,

The Humane Society for the
Prevention of Cruelty to
Animals, and Wayne
Brennessel, individually and
as Executive Director of the
Humane Society for the
Prevention of Cruelty to
Animals,

Respondents.

APPELLANT'S MOTION TO STRIKE



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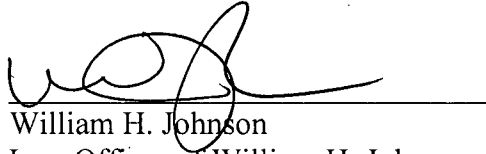
COMES NOW Appellant, and pursuant to SCACR, Rule 265, files his Motion to Strike. The ground for this motion is that Respondents' Initial Brief and Designation of Material to be Included in the Record on Appeal fail to comply with SCACR, Rules 208(2) and (4), 209(b), and 201(c), SCACR because they rely on and propose to include materials which were never a part of the record below, which the trial court never considered in granting Respondents' motion for summary judgment, which are not relevant to the appeal.

For reasons more thoroughly set out in Appellant's Memorandum of Law in Support of Motion to Strike accompanying this motion, Appellant respectfully requests this Court stricken from Respondents' Designation of Matters to be Included in the Record on Appeal any and all improper designations of matter, and disregard any of Respondents' arguments and factual assertions which rely on such improper material.¹

¹ Respondents' Initial Brief is replete with factual assertions which are not only totally false, but also predicated on materials which were never of record or considered by the court below. Respondents' Initial Brief is improper under SCACR, Rule 208(b)(1)(C).

Dated this 19th day of December 2014

Respectfully submitted,



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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Case No. 2012-CP-40-4652

S.C. Court of Appeals Case No. 2014-000663

James W. Trexler,

Appellant,

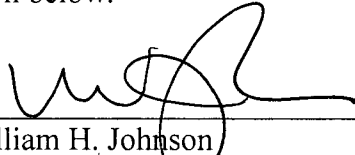
v.

The Humane Society For The
Prevention of Cruelty To Animals;
and Wayne Brennessel, individually
and as Executive Director of the
Humane Society For the Prevention
of Cruelty To Animals,

Respondents.

PROOF OF SERVICE

I certify that I have this December 19, 2014 served a copy of Appellant's Motion to Strike and Memorandum of Law in Support of Motion to Strike on The Humane Society For The Prevention of Cruelty To Animals; and Wayne Brennessel, individually and as Executive Director of the Humane Society For the Prevention of Cruelty To Animals, by depositing a copy of it in the United States Mail, postage prepaid, on December 19, 2014, addressed to their attorneys of record, Roopal R. Samuels, Esquire; William O. Sweeny, III, Esquire; and John E. Tyler, Esquire at their respective addresses shown below.



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