

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No. 2016—001239

Biafra Monique Curtis.....Appellant

v.

South Carolina Department of Public Safety, Warren Ganjehsani, Mike Oliver, Leroy Smith, Kenneth Phelps, Anthony Grice, William Taylor, Nicklous King, Willie McCauley, Jr. Ada Schmidt, Aaron Canzater and Cherie young, individually and in their Official Capacities.....Respondents

MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL

YOU WILL PLEASE TAKE NOTICE, RESPONDENTS, by and through their undersigned attorneys, will move the Court for an Order striking portions of the Record on Appeal, as designated by Appellant, pursuant to Rule 210 (c), SCACR, as the designated matter was not submitted to the lower court and is therefore extraneous and should not properly be included within the Record on Appeal.

Particularly, Respondents request the following matter be stricken from the Record on Appeal:

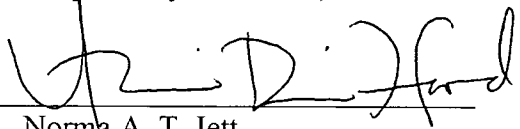
1. Defendants' Attorneys Discovery "Response and Objection" dated December 21, 2015

This motion is based upon the Transcript of the Hearing on this matter, dated May 18, 2016, which contains no clear reference to this discovery documentation being submitted to the Court for consideration. The undersigned has no record of the discovery responses ever having been submitted to the court or to the clerk. Upon information and belief, this particular matter was not submitted to the lower court, and Rule 210(c), SCACR prohibits its inclusion within the Record on Appeal.

September 2, 2016

Respectfully submitted,

By:


Norma A. T. Jett

Alison Dennis Hood

NESS & JETT, LLC

P.O. Box 909

Bamberg, South Carolina 29003

Telephone (803) 245-5178

Fax (803) 245-5384

ATTORNEY FOR ALL RESPONDENTS

CERTIFICATE OF SERVICE

This is to certify that I, Alison Dennis Hood, Attorney for ALL RESPONDENTS, along with Richard B. Ness of Ness & Jett, LLC, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **RESPONDENTS' INITIAL BRIEF AND INITIAL DESIGNATION OF MATTER, along with a MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL** in the matter captioned *Biafra Monique Curtis, Pro Se v. SCDPS, et al.*, Appellate Case Number: 2016-001239 to the following parties, at the following addresses:

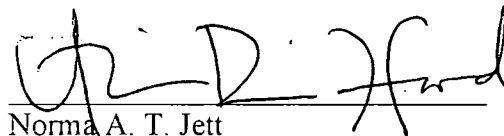
Biafra Monique Curtis
P.O. Box 21294
Hilton Head, SC 29925

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Bamberg, S.C.
Sept 2, 2016



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RICHARD B. NESS†*
NORMA A. T. JETT*

*CERTIFIED CIRCUIT COURT MEDIATOR
†AMERICAN BOARD OF TRIAL ADVOCATES

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JULIUS B. NESS
1916-1991

September 2, 2016

Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: *Biafra Monique Curtis v. SCDPS, et al.*
Appellate Case Number: 2016-001239

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Dear Ms. Kitchings:

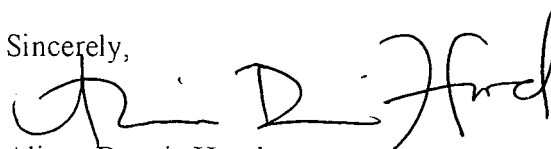
Enclosed for filing please find the original and one copy of **Respondents' Designation of Matter to be Included in the Record on Appeal and Respondents' Initial Brief**, as well as a Certificate of Service. Please clock in one copy of each as my proof of filing and return it to me in the enclosed envelope.

Please additionally find enclosed an original and one copy of **Respondents' Motion to Exclude Matter From the Record on Appeal**, as well as a check for the filing fee.

By copy of this letter, I am serving a copy of these items on Appellant as shown below.

Thank you for your assistance.

Sincerely,



Alison Dennis Hood

ADH
Enclosures

cc: Biafra Monique Curtis
Appellant
PO Box 21294
Hilton Head Island, SC 29925