

The South Carolina Court of Appeals

Carol Simpson, Appellant,

v.

Frank A. Landgraff, Carol Sutton, Sutton & Associates
Investigations, Inc., Defendants,

Of Whom Frank A. Landgraff is the Respondent.

Appellate Case No. 2015-000778

ORDER

Respondent has filed a motion to supplement the record by adding item 15 ("Resp. Rule to Show Cause & Ex. A & B") and item 26 ("Order granting Motion to Reconsider in Part Denying in Part") from his designation of matter. Appellant consented to the addition of item 15 but argues item 26 is prohibited by this court's December 4, 2015 order in this appeal, which stated all items in the record "must have been presented to the lower court or filed with the court prior to the date of the final order on appeal, February 27, 2015." We take this opportunity to clarify that Respondent's designated item 26—the trial court's order ruling on Appellant's motion to reconsider—is appropriate for inclusion in the record on appeal. Accordingly, the motion is granted. Appellant shall serve and file a supplemental record containing items 15 and 26 within ten days of entry of this order.

Appellant and Respondent have each filed motions to strike the other party's final brief, arguing the briefs include substantive changes in violation of Rule 211(b), SCACR. After a careful review of the parties' filings, Appellant's motion is granted. Within ten days of receipt of the supplemental record, Respondent shall serve and file an amended final brief that complies with Rule 211(b). The amended brief may correct typographical and clerical errors in his initial brief, including erroneous omissions from the table of authorities. However, it shall not include the following: parenthetical quotes or descriptions alongside citations to

the record, additional or paraphrased argument, or additional footnotes. Because Appellant's final brief is substantively identical to her initial brief, Respondent's motion to strike is denied.¹


FOR THE COURT

Columbia, South Carolina

FILED

cc: William G. Mayer, Esquire
Lane Whittaker Davis, Esquire
Timothy E. Madden, Esquire
Reid T. Sherard, Esquire
Joseph A. Mooneyham, Esquire

September 23, 2016

¹ The parties have each requested sanctions against the opposing party as well as costs and fees associated with filing the motions. These requests are denied.