

# The South Carolina Court of Appeals

Jack Powell, Appellant,

v.

Knology of Charleston, Inc., Respondent.

Appellate Case No. 2016-001035

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## ORDER

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Appellant has filed a motion for relief from judgment. Respondent filed a return, and Appellant filed a reply and a motion to file the reply out of time. The motion to file the reply out of time is granted; however, after reviewing the motion for relief from judgment, the return, and the reply, the motion for relief from judgment is denied. This court will consider the merits of this case after final briefs and the record on appeal are filed.

Respondent has filed a motion to strike Appellant's initial brief and designation of matter, arguing Appellant's brief includes references to hearing transcripts from cases Appellant brought against other defendants,<sup>1</sup> Appellant designated exhibits and references exhibits in his brief that were not presented to the trial court,<sup>2</sup> and Appellant's initial brief includes "unsubstantiated and unwarranted attacks" on defense counsel and the trial court. Appellant did not file a return. After careful consideration, Respondent's motion to strike is granted to the extent that Appellant shall not include any references to transcripts from other cases and exhibits that were not presented to the trial court in his initial brief. Within twenty days of this order, Appellant shall serve and file an amended designation, which excludes the

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<sup>1</sup> Respondent lists the references in Appellant's initial brief as follows: page 10, line 9; page 13, line 17; page 15, line 21; page 14, line 18; and page 24, line 42.

<sup>2</sup> Respondent explains that Exhibits A, D, and F were not presented below, and Respondent cannot discern whether Exhibits B and C were part of the record below.

stricken matter, and an amended initial brief that excludes all references to the stricken matter.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Jack Powell  
Benjamin B. Davis, Esquire  
Helen F Hiser, Esquire

**FILED**  
February 1, 2017