

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

---

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

MAR 02 2017  
SC Court of Appeals

William P. Keesley, Circuit Court Judge

---

Appellate Case No. 2016-002487

---

Cassandra M. Myers and Bartholomew Myers in their capacity as Co-Personal  
Representatives of the Estate of Evan Morris Myers, Appellants,

v.

The Consolidated Employee Recreation Clubs, a non-profit organization a/k/a  
Pine Island Club at Lake Murray; South Carolina Electric and Gas Holding  
Company, Inc.; SCANA, Respondents.

---

**APPELLANTS' RESPONSE TO  
RESPONDENT'S MOTION TO STRIKE**

---

TO: THE HONORABLE JUDGES OF THE COURT OF APPEALS OF SOUTH CAROLINA:

Respondents filed a motion to strike and a motion for extension of time to file Respondents' initial brief that are dated as received by the court of appeals on February 21, 2017. Appellants have no objection to the request for an extension of time. However, Appellants object to the motion to strike because it is premature and unfounded.

With their initial brief, Appellants served and filed their designation of matter it intends to include in the record on appeal. Appellants' designations include only materials which may be properly included in the Record on Appeal pursuant to Rule 210(c), SCACR and which Appellants believe to be relevant to the appeal, as required by Rule 209(b), SCACR. At this

stage, it is not even certain what Respondents' brief will argue or what materials it may reference nor is it certain what Appellants may argue in Reply. As such, it is both premature and inappropriate for Respondents to unilaterally claim to be the arbiter of what is relevant to Appellants' appeal.

For instance, Respondents do not include the consent order allowing Plaintiffs to amend their complaint in its list of purportedly relevant pleadings, motions, and orders. While not the crux of the case, the order was referenced in Appellants statement of the appeal and is relevant to the procedural posture of this case. As such, Appellants designated the order. Respondents do not even cite to any specific pleading, motion, or order in Appellants' designation they believe is irrelevant. As such, Respondents argument should be disregarded and the motion denied.

Respondents claim certain materials are not part of the record. This is inaccurate. Respondents argue emails between counsel are not part of the record. This is untrue. At the hearing, Plaintiffs' counsel represented to the court that hours before the hearing Defendants filed a memorandum raising for the first time entirely new arguments. (Defs' Memo in Support). This exact same correspondence was referenced in Plaintiffs' motion to reconsider as exhibit 1.

Respondents claim the answers to interrogatories and request for production are not part of the record. This too is inaccurate. Plaintiffs' response to Defendants' motion for summary judgment clearly references Defendants answers to interrogatories numerous times. (Pls.' Response to Defendants' Mot. for Summ. J.). Plaintiffs' response also includes references to documents produced by Defendants during discovery.

Finally, Respondents argue that to the extent Appellants seek to include Mandy Bellamy's entire deposition, this should be prohibited. Appellants are unaware of any rule which

states that a designated deposition cannot be included in its entirety if portions have been referenced. At this point, Appellants believe the Court would be best served by having her deposition in its entirety, to understand the context in which certain statements were made. Therefore, at this time Appellants believe her deposition is relevant in its entirety. The record on appeal is created at the Appellants expense, so Respondents should not have any objection with respect to costs.

For the foregoing reasons, Respondents motion to strike should be denied. Appellants have no objection to Respondents request for an extension of time.

Respectfully submitted,

**GRAHAM LAW FIRM, P.A.  
KROMPECHER LAW FIRM, PLLC**



Edward L. Graham (SC Bar: 2483)  
J. Layton Ruffin (SC Bar: 78267)  
Pedro E. Krompecher, III (SC Bar: 100485)  
Post Office Box 550  
Florence, SC 29501  
t. (843) 662-3281  
f. (800) 859-7028  
*Attorneys for Appellants*

March 1, 2017

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

William P. Keesley, Circuit Court Judge

RECEIVED

MAR 02 2017

SC Court of Appeals

---

Appellate Case No. 2016-002487

---

Cassandra M. Myers and Bartholomew Myers in their capacity as Co-Personal  
Representatives of the Estate of E. M. Myers, Appellants,

v.

The Consolidated Employee Recreation Clubs, a non-profit organization a/k/a  
Pine Island Club at Lake Murray; South Carolina Electric and Gas Holding  
Company, Inc.; SCANA; and Mandy Nicole Bellamy, Respondents.

---

**PROOF OF SERVICE**

---

I hereby certify that one copy of the *Appellants' Response To Respondent's Motion To Strike* in  
the above-referenced matter was served by U.S. Mail, postage prepaid, on March 1, 2017  
addressed to the following counsel of record:

Christian Stegmaier  
Megan H. Hall  
**Collins & Lacy, P.C.**  
1330 Lady Street  
Sixth Floor  
Columbia, SC 29201

**GRAHAM LAW FIRM, P.A.**  
**KROMPECHER LAW FIRM, PLLC**



Edward L. Graham (SC Bar: 2483)  
J. Layton Ruffin (SC Bar: 78267)  
Pedro E. Krompecher, III (SC Bar: 100485)  
Post Office Box 550  
Florence, SC 29501  
t. (843) 662-3281  
f. (800) 859-7028  
*Attorneys for Appellants*



# GRAHAM LAW

Shining a Light on Safety, Guiding the Way to Justice.

Edward L. Graham  
Diane M. Rodriguez, RN-JD  
J. Layton Ruffin

RECEIVED

March 1, 2017

MAR 02 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: *Cassandra M. Myers and Bartholomew Myers in their capacity as Co-Personal Representatives of the Estate of Evan Morris Myers, Appellants, v. The Consolidated Employee Recreation Clubs, a non-profit organization a/k/a Pine Island Club at Lake Murray; South Carolina Electric and Gas Holding Company, Inc.; SCANA, Respondents.*  
Appellate Case No. 2016-002487

Dear Ms. Kitchings:

Enclosed for filing is the *Appellants' Response To Respondent's Motion To Strike and Supplemental Designation of Matter to be Included in the Record on Appeal* in the above case. By copy of this letter, I am serving attorneys for Respondents with a copy of the same. Please return a clocked copy to me using the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

J. Layton Ruffin

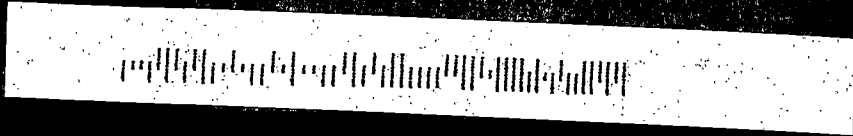
JLR/bh

Enclosures

cc: Christian Stegmaier  
Megan H. Hall



02 1P \$ 001.82<sup>0</sup>  
0001605514 MAR 01 2017  
MAILED FROM ZIP CODE 29501



# GRAHAM LAW

GRAHAM LAW FIRM, P.A.  
383 West Cheves Street  
P.O. Box 550 (29503)  
Florence, SC 29501

**RECEIVED**

MAR 02 2017

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk South Carolina Court Of Appeals  
1220 Senate ST  
Columbia, SC 29201

**RECEIVED**

MAR 02 2017

**SC Court of Appeals**