

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master in Equity

The Honorable Mikell R. Scarborough

Case No. 2013-CP-10-3901

Appellate Case No. 2016-001842

RECEIVED

MAY 04 2017

SC Court of Appeals

Charleston Electrical Services, Inc., and Selective
Insurance Company of South Carolina, as subrogee
of Charleston Electrical Services, Inc..... Appellants,

v.

Wanda G. Rahall,Respondent.

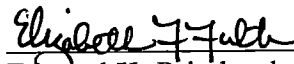
**RESPONDENT'S REPLY TO RETURN TO MOTION TO STRIKE
DESIGNATIONS NO. 4 AND NO. 7 FROM
APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL
AND EXCLUDED FROM THE RECORD ON APPEAL**

Appellants have admitted that Designation No. 7, Plaintiff Ex. 1, is a portion of the entire deposition transcripts of Respondent, Wanda Rahall, which have also been included in their Designation of Matter. Their argument that it is somehow necessary to delineate between full deposition transcripts and the portions Appellants identified in their case-in-chief is completely irrelevant as to what should be contained in their Designation of Matter. Rule 209(a), SCACR instructs parties to serve a Designation of Matter, which shall set

forth with specificity those *parts* of the transcript...which he proposes to include in the record on appeal. (emphasis added). Respondent is simply seeking to trim duplicative items from the Designation of Matter so as not to waste time and resources with referencing copies of the same portions of the same transcripts identified in multiple designations.

Respondent reiterates that the Pre Trial Brief designated as No. 4 by Appellants is expressly prohibited from being included in the Record on Appeal. The authority cited by Respondent in her motion neither relies upon nor refers to the Supreme Court Rules. Further, a reading of Rule 209(c) and Rule 210(c) both omit “briefs” as permissible content to be included, echoing the opinions reached by the Court. *See, Hays v. Adair*, 267 S.C. 291, 297, 227 S.E.2d 665, 668 (1976)(“As respondents point out, trial briefs do not constitute a part of the record before the court and thus no exception can be properly based upon them.”)

Respectfully Submitted,
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ATTORNEYS FOR RESPONDENT

May 1, 2017
Charleston, South Carolina

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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SC Court of Appeals

Case No. 2013-CP-10-3901

Appellate Case No. 2016-001842

Charleston Electrical Services, Inc., and Selective
Insurance Company of South Carolina, as subrogee
of Charleston Electrical Services, Inc..... Appellants,

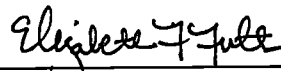
v.

Wanda G. Rahall,Respondent.

PROOF OF SERVICE

I certify that I have served *Respondent's Reply to Return to Motion To Strike Designations No. 4 And No. 7 Of Appellants' Designation Of Matter To Be Included In The Record On Appeal and Excluded from the Record on Appeal* on Appellants Charleston Electrical Services, Inc. and Selective Insurance Company of South Carolina as Subrogee of Charleston Electrical Services, Inc., by depositing a copy of it in the United States Mail, postage prepaid, to their attorney of record, Andrew F. Lindemann, Esquire, at his office at 1611 Devonshire Drive, PO Box 8568, Columbia, SC 29202 on May 1, 2017.

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May 1, 2017

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SC Court of Appeals

VIA U.S. MAIL

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

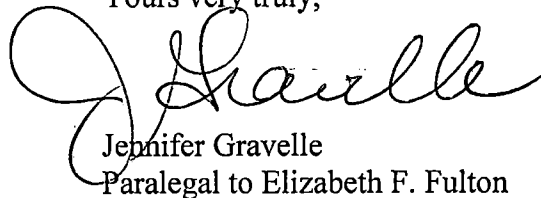
RE: Charleston Electrical Services, Inc. v. Rahall
Appellate Case No. 2016-001842

Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of *Respondent's Reply to Return to Motion to Strike* in connection with the above-referenced matter. I would appreciate you returning a clocked copy of the brief in the enclosed self-addressed postage prepaid envelope, I have provided. Should you have in questions, please do not hesitate to contact me.

With warmest personal regards, I am

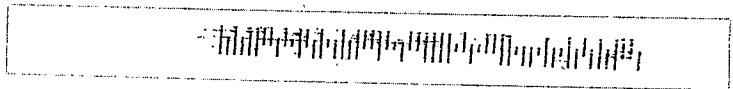
Yours very truly,



Jennifer Gravelle
Paralegal to Elizabeth F. Fulton

/jg
Enclosures

cc: **Andrew F. Lindemann, Esq.**



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