

The South Carolina Court of Appeals

Martha M. Fountain and Curtis Fountain, Plaintiffs,

v.

Fred's, Inc. and Wildevco, LLC, Respondents,

v.

Tippins-Polk Construction, Inc. and Rhoad's Excavating
Services, LLC, Third-Party Defendants,

Of whom Tippins-Polk Construction, Inc. is the
Appellant.

Appellate Case No. 2017-000688

ORDER

On November 29, 2017, this court issued an order striking the settlement agreement from the record on appeal. This court cited Rule 210(c), SCACR, which provides that documents may not be included in the record on appeal unless the documents themselves were presented to the lower court. Counsel for Appellant has now filed a motion to reconsider that order and a request for clarification. Rule 240(i), SCACR, does not allow for motions to reconsider unless the action of the court has the effect of dismissing or finally deciding a party's appeal, so this court will not reconsider our previous order. As to Appellant's request for clarification, this court reiterates that the settlement agreement shall not be included in the record on appeal because it was not actually presented to the lower court in accordance with Rule 210(c).


FOR THE COURT

Columbia, South Carolina

cc:

Morgan S. Templeton, Esquire
Matthew Clark LaFave, Esquire
Regina Hollins Lewis, Esquire
Lee Ellen Bagley, Esquire
John Joseph Dodds, IV, Esquire

FILED

December 8, 2017