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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Circuit Court Judge

2009-CP-40-00064
Appellate Case No. 2012-210746

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DEC 03 2012
SC Court of Appeals

F.M. Haynie d/b/a Docwild's General Contractor,.....Appellant,

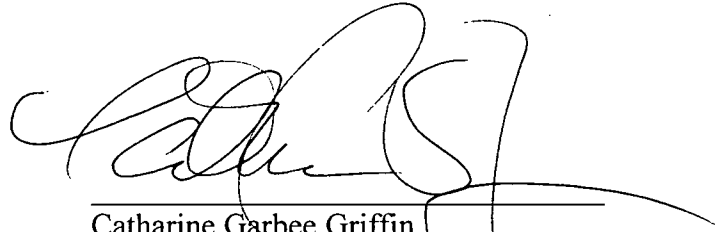
v.

Paul E. Cash and Carole S. Cash Respondents.

**RESPONDENTS' MOTION TO STRIKE MATTERS DESIGNATED BY
APPELLANT FOR THE RECORD ON APPEAL**

Respondents move this court for an order striking irrelevant matter from the record on appeal as designated by the appellant because the designation of the appellant includes matters which were not presented to the lower court and ruled on by the lower court. Rule 210 (c), SCACR provides that the record shall not include matter which was not presented the lower court or tribunal. Appellant has designated his motion for reconsideration, the exhibits, his brief in support of his motion, affidavit dated April 4, 2012 and his addendum to the motion dated August 6, 2012 as matters to be included in the record on appeal. All of these matters were not considered by the trial court and should not be considered by the appellate court. Appellant, by designating these documents, is attempting to introduce new evidence before the court which was never

introduced at the trial of the case. Therefore, the respondents move to strike the designation by the appellant of the motion for reconsideration, the exhibits, the motion for reconsideration brief, and appellant's affidavit from the record on appeal and any references to those documents within the appellant's initial brief.



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Attorneys for Respondents

December 3, 2012

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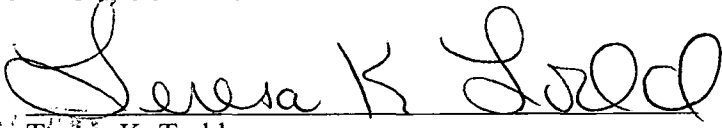
v.

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CERTIFICATE OF SERVICE

I, Teresa K. Todd, Legal Assistant to Catharine Garbee Griffin, an employee of Baker, Ravenel & Bender, L.L.P., hereby certify that I have, on the date indicated below, served counsel below with a Respondents' Motion to Strike Matters Designated by Appellant for the Record on Appeal by mailing a copy of same via United States Mail, postage pre-paid and return address clearly indicated on said envelope, to counsel at the following address:

F.M. Haynie d/b/a DocWild's General Contractor
1469 Florawood Dr.
Columbia, SC 29204


Teresa K. Todd

December 3, 2012

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