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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Honorable George M. McFaddin, Jr., Circuit Court Judge

Circuit Court Case No. 2016-CP-40-01699
Appellate Case No.: 2017-002433

RECEIVED

APR 11 2018

SC Court of Appeals

Lallie Qualls.....Appellant,

v.

Burlington Coat Factory of South Carolina, LLC
and Burlington Coat Factory Direct Corp.Respondents.

RESPONDENTS' MOTION TO STRIKE IMPROPERLY DESIGNATED MATERIAL WHICH
WAS NOT PRESENTED TO THE LOWER COURT

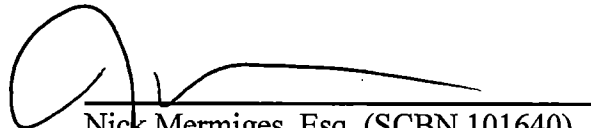
Counsel for Respondents respectfully requests that this Court enter an order striking materials which were improperly included in Appellant's designation of matter as set forth below:

1. Appellant served her Designation of Matter on February 12, 2018. (Exhibit "A").
2. Said designation includes, in relevant part:
 - (8) Medical Illustrations;
 - (12) 30b(6) Deposition of Pamela Robin Arsenault taken March 15, 2017,
with exhibits.
3. None of the "Medical Illustrations" identified in Appellant's #8 were included in the trial court record.

4. While the deposition transcript identified in #12 was in the trial court record, none of the deposition exhibits identified in Appellant's #12 were included in the trial court record.
5. Rule 209(b), SCACR, provides, in relevant part that: "[t]he Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal. [See Rule 210(c), SCACR]."
6. Rule 210(c), SCACR provides, in relevant part: "the Record shall not, however, include matter which was not presented to the lower court or tribunal."
7. Respondents therefore request that the entirety of Appellant's designated matter #8 be stricken and excluded from the record on appeal, and that the exhibits identified in Appellant's designated matter #12 be stricken and excluded from the record on appeal.

WHEREFORE, the Respondents request that the improperly designated materials be stricken as set forth hereinabove, and for all other relief the court deems just and appropriate.

Respectfully submitted,



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DATE: April 11, 2018

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CERTIFICATE OF SERVICE

I certify that a true copy of the Respondents' Motion to Strike in the above case has been served via US Mail & hand delivery upon Robert F. Goings and Jessica L. Gooding of the Goings Law Firm at: PO Box 436 Columbia, SC 29202 on this 11 day of April, 2018.



Nick Mermiges, Esq.
ATTORNEY FOR RESPONDENTS

Exhibit A

THE STATE OF SOUTH CAROLINA
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George M. McFaddin, Jr., Circuit Court Judge

Circuit Court Case No. 2016-CP-40-01699
Appellate Case No.: 2017-002433

Lallie Qualls Appellant,

v.

Burlington Coat Factory of South Carolina, LLC
and Burlington Coat Factory Direct Corp. Respondents.

**APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant Lallie Qualls designates the following matter to be included in the Record on

Appeal:

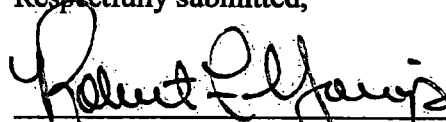
- (1) Order Granting Defendants' Motion for Summary Judgment;
- (2) Order on Plaintiff's Motion to Reconsider;
- (3) Complaint;
- (4) Answer;
- (5) Defendants' Motion for Summary Judgment, with attachments and CD;
- (6) Defendant's Memorandum in Support of Motion for Summary Judgment with attachments;
- (7) Plaintiff's Memorandum in Opposition to Defendants' Motion for Summary Judgment;
- (8) Medical Illustrations;
- (9) Plaintiff's Motion for Reconsideration of Order Granting Summary Judgment;

- (10) Transcript of Hearing on June 6, 2017;
- (11) Deposition of Lallie Qualls taken March 15, 2017;
- (12) 30(b)(6) Deposition of Pamela Robin Arsenault taken March 15, 2017, with exhibits.

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

By:



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Attorneys for Appellant

Columbia, South Carolina

February 12, 2018