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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
R. Keith Kelly, Judge

MAY 24 2018

SC Court of Appeals

Case No. 2017-001009

Caitlyn Langham.....Appellant,

v.

Officer Russell Porter, City of Spartanburg Police Department,
and Wal-Mart Stores, Inc.....Respondents,

**RESPONDENT WAL-MART STORES, INC.'S MOTION TO
COMPEL APPELLANT TO REMOVE CITATIONS TO MATERIALS NOT
INCLUDED ON THE RECORD ON APPEAL**

Respondent Wal-Mart Stores, Inc. (hereinafter, "Walmart"), by and through its counsel, hereby moves for an Order compelling Appellant to remove all citations to and summaries from materials that are not included in the record on appeal. Following the Court's Order striking certain matters from Appellant's Designation of Matter to be Included in the Record on Appeal, dated March 8, 2018, Appellant failed to amend her Initial Brief to remove all citations to and summaries from the stricken materials. As the stricken materials are not included in the record on appeal, any citations to and summaries from those materials are not properly before this Court. *See* Rule 210(h) ("Except as provided by Rule 212 and Rule 208(b)(1)(C) and (2), the appellate court will not consider any fact which does not appear in the Record on Appeal.").

Based upon the foregoing, Walmart hereby moves this Honorable Court for an Order compelling Appellant, in the manner in which it finds appropriate, to remove all citations to and summaries from materials that are not included in the record on appeal.

Respectfully submitted,



Lee Ellen Bagley, SC Bar No. 77670
Randi Lynn Roberts, SC Bar No. 78888
GAFFNEY LEWIS & EDWARDS, LLC
3700 Forest Drive, Suite 400
Columbia, South Carolina 29204
(803) 790-8838

May 21, 2018

Attorneys for Respondent Wal-Mart Stores, Inc.

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Caitlyn Langham.....Plaintiff,

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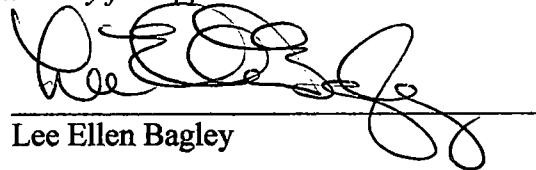
Officer Russell Porter, City of Spartanburg,
And Wal-Mart, Inc.....Respondents,

CERTIFICATE OF SERVICE

I do hereby certify, on this 24th day of May, 2018, that a copy of the foregoing
**Respondent Wal-Mart, Inc.'s Motion to Compel Appellant to Remove Citations to Materials
Not included on the Record on Appeal** was served by depositing a copy of the same in the United
States Mail, first-class, postage prepaid, addressed to counsel of record as follows:

James D. Jolly, Jr., Esquire
Logan Jolly & Smith
1805 North Blvd.
Anderson, South Carolina 29622
Attorney for City of Spartanburg

Donald L. Smith, Esquire
Attorney Office of Donald Smith
122 N. Main Street
Anderson, South Carolina 29621
Attorney for Appellant



Lee Ellen Bagley

Columbia, South Carolina



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May 24, 2018

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Caitlyn Langham v. Officer Russell Porter, City of Spartanburg Police
Department & Wal-Mart, Inc.*
Case No : 2017-001009

Dear Clerk Kitchings:

Enclosed for filing please find the original and seven (7) copies of Respondent Wal-Mart, Inc.'s Motion to Compel Appellant to Remove Citations to Materials Not included on the Record on Appeal and Proof of Service, along with a check in the amount of \$25.00 for the filing fee in the above-referenced matter. We would appreciate you filing the original with the Court and returning the clocked copy for our records to the courier.

By copy of this letter, I herewith serve all counsel of record with same. Should you have any questions or need additional information please do not hesitate to contact our office.

Sincerely,


Kelli F. Hall
Paralegal

/kfh

Enclosures

cc: Donald L. Smith, Esquire
James D. Jolly, Jr., Esquire