

# The Supreme Court of South Carolina

Mark F. Teseniar & Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks At Fenwick Property Owners Association, Inc., (from December 16, 2008 to present), Respondents,

v.

Professional Plastering & Stucco, Inc., Maria Arias and Miquel Rosales, Defendants,

of whom National Fire & Marine Insurance Company is Petitioner.

Appellate Case No. 2013-000023

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## ORDER

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Petitioner moves to supplement the appendix in this matter with certain documents petitioner states were included in Petitioner's Designation of Matter to be Included in the Record on Appeal. Respondents have not filed a return to the motion.

Rule 242(e), SCACR, states that when an appeal was dismissed by the Court of Appeals for procedural or other reasons, the appendix shall include any documents relevant to the dismissal that were before the Court of Appeals, including any motion to dismiss and any return or reply that may have been filed; a copy of the decision of the Court of Appeals on which certiorari is sought; and a copy of the petition for rehearing or reinstatement filed in the Court of Appeals and the Court of Appeals' ruling on that petition. Petitioner has filed an appendix comprised almost completely of materials that were not before the Court of Appeals. Petitioner now seeks to supplement that appendix with additional documents that were not before the Court of Appeals.<sup>1</sup>

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<sup>1</sup> While petitioner indicates the documents were listed in its designation of matter to be included in the record on appeal, the actual documents were not before the Court of Appeals.

We hereby strike the appendix filed by petitioner, as it does not comply with Rule 242(e), SCACR. Petitioner shall have five days to serve and file a new appendix that complies with Rule 242(e) by containing only those documents that were before the Court of Appeals or issued by the Court of Appeals. Petitioner's motion to supplement the appendix is denied.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

January 18, 2013

cc:

John Lucius McCants  
Kirby Darr Shealy, III  
Phillip Ward Segui, Jr.  
John T. Chakeris  
Jesse A. Kirchner  
W. Jefferson Leath, Jr.  
Justin O'Toole Lucey  
Everett Augustus Kendall, II  
Christy Elizabeth Mahon  
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