

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE CHARLESTON COUNTY
COURT OF COMMON PLEAS

Frank D. Addy, Jr., Circuit Court Judge

Case No. 2016-CP-10-3696

MARGARET CARR, Respondent

v.

TW GRAHAM and COMPANY, LLC, Appellant.

RECEIVED
JAN 14 2019
SC Court of Appeals

**APPELLANT'S NOTICE OF MOTION AND MOTION TO STRIKE
RESPONDENT'S DESIGNATION OF MATTER #1 AND #2 TO BE
INCLUDED IN THE RECORD ON APPEAL**


Appellant TW Graham and Company, LLC, through its undersigned attorneys seek to strike #1 and #2 of Respondent Margaret Carr's designation in the Record on Appeal. The Wigger Law Firm Letter Dated May 11, 2016(#1) and Signed Green Card dated June 2, 2016(#2) were not filed at the Charleston County Clerk of Court. (Affidavit of C. Mac Gibson, Jr.).

Per Rule 210(c) of the South Carolina Appellate Court Rules, "Record shall not, ..., include matter which was not presented to the lower court or tribunal."

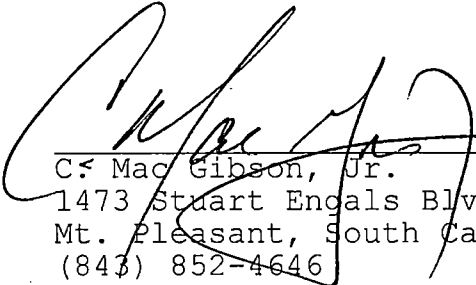
Appellant through its attorneys requested for the Respondent's attorney to remove such designations to be included

on the Record on Appeal. A copy of the letter is attached hereto.
Respondent's attorney did not respond to such request.

January 10, 2019



Dennis E. O'Neill
O'Neill Law Firm, LLC
1473 Stuart Engals Blvd.
Mt. Pleasant, South Carolina 29464
(843) 884-9494



C. Mac Gibson, Jr.
1473 Stuart Engals Blvd.
Mt. Pleasant, South Carolina 29464
(843) 852-4646

Attorneys for Appellant

O'NEILL LAW FIRM LLC

DENNIS E. O'NEILL
ATTORNEY AT LAW
Dennis@ONEillLawFirm.com

1473 Stuart Engals Boulevard
Mount Pleasant, SC 29464
Telephone: (843) 884-9494
Fax: (843) 971-9292

January 2, 2019

Jarrel L. Wigger, Esquire
Wigger Law Firm, Inc.
8086 Rivers Ave., Ste. A
North Charleston, SC 29406

Re: Margaret Carr v. TW Graham and Company, LLC
Case No.: 2016-CP-10-3696

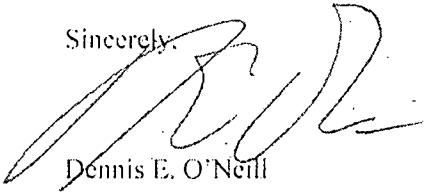
Dear Jarrel:

You designated your firm's letter dated May 11, 2016 and a signed green card dated June 2, 2016 for the Record on Appeal for the above-referenced matter. In reviewing the file of the referenced case on the website of Charleston County Clerk of Court, it appears that you did not file such documents. Per Rule 210(c) of the South Carolina Appellate Court Rules, the Record on Appeal can only include matter which was presented to the lower court or tribunal. Unless you can prove that you filed such designated documents at the Charleston County Clerk of Court, you need to file an Amended Designated of Matter. If you do not file such document by January 8, 2019, then I will file a Motion to challenge such designation.

If you have any questions concerning this matter, then please contact me.

With kind regards, I am

Sincerely,



Dennis E. O'Neill

cc: Client

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE CHARLESTON COUNTY
COURT OF COMMON PLEAS

Frank D. Addy, Jr., Circuit Court Judge

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MARGARET CARR,

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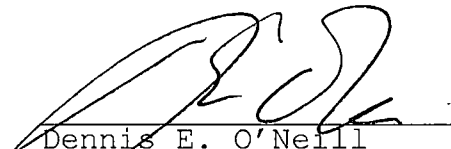
JAN 14 2019

SC Court of Appeals

PROOF OF SERVICE

We certify that we have served the Appellant TW Graham and Company, LLC's Notice of Motion and Motion to Strike Respondent's Designation of Matter #1 and #2 to be included in Record on Appeal via the United States Mail, postage prepaid, on January 10, 2019, addressed to her attorney of record, Jarrel L. Wigger, Wigger Law Firm, Inc., 8086 Rivers Ave, Ste. A, North Charleston, South Carolina 29406.

January 10, 2019


Dennis E. O'Neill
O'Neill Law Firm, LLC
1473 Stuart Engals Blvd.
Mt. Pleasant, South Carolina 29464
(843) 884-9494

C. MAC GIBSON, JR.
Attorney at Law
1473 Stuart Engals Blvd.
Mt. Pleasant, SC 29464

Telephone: (843) 852-4646

cmacgibson@yahoo.com

January 10, 2019

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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JAN 14 2019

SC Court of Appeals

Re: Margaret Carr v. TW Graham and Company, LLC
Appellate Case No.: 2018-001738

Dear Mrs. Kitchings:

I have enclosed for filing an original and seven (7) copies of the following documents for the above-referenced appeal:

1. Appellant TW Graham and Company, LLC's Motion to Strike;
2. Affidavit of C. Mac Gibson, Jr.; and
3. Proof of Service.

I would appreciate it if you would file the original and six (6) copies of the referenced document and stamp filed the remaining copy and return the filed copy to me in the enclosed stamped self addressed envelope.

I have enclosed a check from my operating account made payable to the South Carolina Court of Appeals in the amount of \$50 for the filing fee.

If you have any questions concerning the enclosed documents, then please contact me.

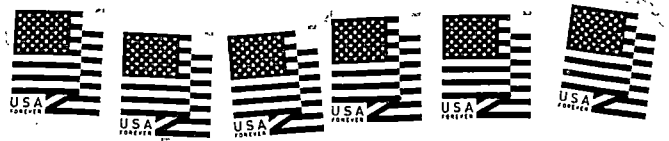
With kind regards, I am

Sincerely,


C. Mac Gibson, Jr.

Enclosures (as stated)

cc: Client (w/ encls. via email)
Jarrel L. Wigger, Esq. (w/ encls.)



C. Mac Gibson, Jr.
Attorney at Law
1473 Stuart Engals Blvd.
Mt. Pleasant, SC 29464

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The Honorable Jenny Abbott Kitchings
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