

The South Carolina Court of Appeals

Robert H. Breakfield, as attorney-in-fact, Respondent,

v.

Mell Woods, Appellant.

Appellate Case No. 2012-212318

ORDER

Respondent has filed a motion to dismiss, to strike Appellant's initial brief and designations of matter, and to stay the briefing schedule.

The motion to dismiss is denied. However, within twenty days, Appellant shall serve and file an amended initial brief. The amended initial brief shall include citations "to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [see Rule 210(c)] to support the salient facts alleged" *See* Rule 208(b)(4), SCACR (providing that in initial briefs, "these references should be to the page and line number of the transcript prepared by the court reporter or by the page of the material to be referenced; e.g., Answer p. 7, Motion for Judgment p. 2, Transcript p. 231").

Respondent has also filed a motion to strike matters designated by Appellant, arguing they were not presented to the lower court and are not relevant. Rule 210(c) of the South Carolina Appellate Court Rules provides that the record on appeal shall not include matter which was not presented to the lower court. Within twenty days, Appellant shall serve and file proof that all of his designated matters were presented to the circuit court in this case.

The briefing deadlines shall be stayed pending receipt of the amended initial brief and the proof that all of the designated matters were presented to the lower court.

Jasper M. Curator AS
FOR THE COURT

Columbia, South Carolina

cc:

Mell Woods

B. Michael Brackett

FILED
1/11/13 AS