



Parker Defendant and principal of the Defendant CPH, dated June 14, 2018; and an Affidavit of Walt Parker filed August 4, 2017.

On September 7, 2018, after the hearing on the Motion to Dismiss and Motion for a Declaration under Rule 43(k) of the SCRCF, after the Court's ruling from the bench, but before the Court signed an Order as to these motions, Plaintiff submitted a document named "Plaintiff's Submission of Affidavit of Counsel (Plaintiff's Submission). Plaintiff's Submission was an explanation of Plaintiff's denial of this Court's ruling on July 17, 2018. Attached to Plaintiff's Submission was the Affidavit of S. Allan Hill (Affidavit).

On September 27, 2018, the Court signed the Order granting Defendant's Summary Judgment Motion and the Order denying Plaintiff's Motion for Declaration under Rule 43(k), SCRCF.

On October 8, 2018, Plaintiff filed motions to reconsider each order.

On October 29, 2018, Defendants, CPH and Parker, filed this Motion to Strike.

Accordingly, Plaintiff's Submission and the Affidavit were filed after the completion of hearings on all pending motions, after the Court verbally stated its ruling from the bench, prior to the Court signing a written order, and prior to any motion for reconsideration.

Plaintiff's Submission and Affidavit were not a timely submission with any legal basis. If the Submission and Affidavit were in response to a Summary Judgment motion, they would be required to conform to the rules of evidence according to Rule 56(e). The testimony of Allan Hill as submitted in the Affidavit would not be admissible at trial.

For the foregoing reasons, the Defendant's Motion to Strike is GRANTED. Plaintiff's Submission of Affidavit of Counsel and Affidavit of S. Allan Hill are stricken in their entirety.

IT IS SO ORDERED.

[JUDGE'S ELECTRONIC SIGNATURE TO FOLLOW]



Spartanburg Common Pleas

**Case Caption:** Branch Banking And Trust Company , plaintiff, et al VS Carolina Properties Holdings Llc , defendant, et al  
**Case Number:** 2011CP4200500  
**Type:** Order/Other

It is So Ordered

s/Judge Gordon G Cooper-3065