

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

R. Keith Kelly., Circuit Court Judge

Appellate Case No. 2018-001559

RECEIVED
APR 09 2019
SC Court of Appeals

Nicky Ted Phillips and Gloria E. Phillips. *Appellants,*

v.

American National Property and Casualty Company,
Clyde McNeill Agency, and Clyde Edwin McNeill,
Individually and in his capacity as agent of American
National Property and Casualty Company. *Respondents.*

Motion to Strike Materials from Record on Appeal

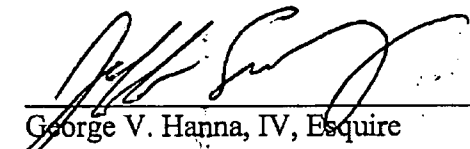
Respondents, American National Property and Casualty Company, Clyde McNeill Agency, and Clyde Edwin McNeill, Individually and in his capacity as agent of American National Property and Casualty Company, respectfully move this Court for an Order striking the following materials from the Record on Appeal, which were designated by Appellants:

- 1) Deposition of Nicky Ted Phillips, July 20, 2017
- 2) Deposition of Clyde Edwin McNeill, December 14, 2017

This motion is based on the ground that the above deposition transcripts were not presented to the lower court, and thus, pursuant to Rule 210(c), SCACR, should not be included in the Record on Appeal.

Counsel for the Respondents have consulted with counsel for the Appellants, and Appellants do not object to this motion.

Signature Block on Next Page



George V. Hanna, IV, Esquire

Jeffrey I. Silverberg, Esquire

HOWSER, NEWMAN & BESLEY, LLC

Post Office Box 12009

Columbia, South Carolina 29211

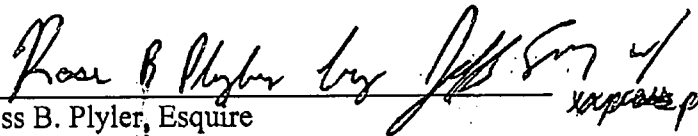
Tel: (803) 758.6000

ghanna@hnblaw.com

jsilverberg@hnblaw.com

Attorneys for Respondents Clyde Edwin McNeill

Agency and Clyde Edwin McNeill



Ross B. Plyler, Esquire

Roe Cassidy Coates & Price, P.A.

1052 North Church St.

Greenville, South Carolina 29601

Attorney for Respondent American National

Property and Casualty Company

April 8, 2019
Columbia, SC

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

R. Keith Kelly., Circuit Court Judge

Appellate Case No. 2018-001559

RECEIVED
APR 09 2019
SC Court of Appeals

Nicky Ted Phillips and Gloria E. Phillips. *Appellants,*

v.

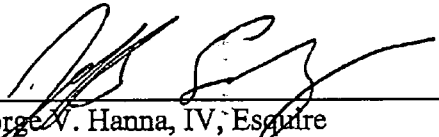
American National Property and Casualty Company,
Clyde McNeill Agency, and Clyde Edwin McNeill,
Individually and in his capacity as agent of American
National Property and Casualty Company. *Respondents.*

PROOF OF SERVICE

The undersigned hereby certifies that on this 8th day of April, 2019, he caused to be served to all counsel of record the foregoing Motion to Strike Materials from Record on Appeal, by having a copy of it deposited in the United States Mail, postage prepaid, addressed to the following:

M. Brooks Derrick, Esquire LAW OFFICE OF M.B. DERRICK, LLC 224 NE Main Street Simpsonville, South Carolina 29681	Ross B. Plyler, Esquire Roe Cassidy Coates & Price, P.A. 1052 North Church St. Greenville, South Carolina 29601 <i>Attorney for Respondent American National Property and Casualty Company</i>
Thomas B. Pritchard, Esquire PARKER NELSON & ASSOCIATES 211 King Street, Suite 107 Charleston, South Carolina 29401 <i>Attorneys for Appellants</i>	

Signature Block on Next Page



George V. Hanna, IV, Esquire
Jeffrey I. Silverberg, Esquire
HOWSER, NEWMAN & BESLEY, LLC
Post Office Box 12009
Columbia, South Carolina 29211
Tel: (803) 758.6000
ghanna@hnblaw.com
jsilverberg@hnblaw.com

*Attorneys for Respondents Clyde Edwin McNeill Agency
and Clyde Edwin McNeill*

R. Davis Howser
James P. Newman, Jr. <
Benjamin D. McCoy^
Kelley Shull Cannon^
Andrew E. Haselden<
George V. Hanna, IV*
Michal Cooper Jones
Kyllene L. Keesley^
Albert Richard Pierce, Jr.*
James P. Sullivan
Jeffrey I. Silverberg
Jonathan Scott Pierce §

HNB
HOWSER, NEWMAN
& BESLEY, LLC

Attorneys and Counselors at Law

Post Office Box 12009
Columbia, SC 29211
www.hnblaw.com

Columbia Office
1508 Washington Street
Columbia, SC 29201
Telephone 803.758.6000
Fax 803.758.4445
Toll Free 866.207.6209

Charleston Office
215 East Bay Street
Suite 303
Charleston, SC 29401
Telephone 843.216.6940
Fax 843.216.6942
Toll Free 877.216.6970

William G. Besley (1964-2018)

< Certified Circuit Court Mediator
^ Certified Circuit Court Mediator and Arbitrator
* Also Admitted in North Carolina
§ Also Admitted in California

April 8, 2019

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Nicky Ted Phillips and Gloria E. Phillips v. American National Property and Casualty Company, Clyde McNeill Agency, and Clyde Edwin McNeill, individually and in his capacity as agent of American National Property and Casualty Company.
Appellate Case No.: 2018-001559
Our Matter No.: 267-366

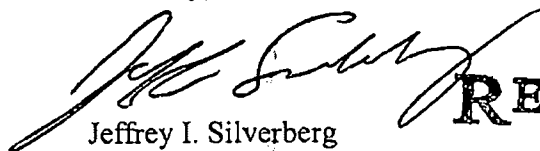
Dear Ms. Kitchings:

Enclosed for filing, please find the original and two (2) copies of a *Motion to Strike Materials from Record on Appeal* in the above-referenced appeal. Also enclosed is our firm's check for the \$25.00 filing fee.

Please return the clocked-in copies to me in the self-addressed, stamped envelope provided. By copy of this letter I am serving all counsel of record with a copy of this filing.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Jeffrey I. Silverberg

RECEIVED

APR 09 2019

SC Court of Appeals

JIS/asc
Enclosures

Cc: M. Brooks Derrick, Esquire
Thomas B. Pritchard, Esquire
Ross B. Plyler, Esquire

FIRST-CLASS



US POSTAGE
02 1P \$ 000.80
0001196159 APR 08 201
MAILED FROM ZIP CODE 29201

First Class Mail

HN

**HOWSER, NEWMAN
& BESLEY, LLC**

Attorneys and Counselors at Law

Post Office Box 12009
Columbia, SC 29211

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
APR 09 2019
SC Court of Appeals