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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
First Judicial Circuit

Edgar W. Dickson, Circuit Court Judge

Appellate Case No. 2019-001065
Dorchester County Case Nos. 2019-CP-18-0677 and 2017-CP-18-1816

RECEIVED
JAN 31 2020
SC Court of Appeals

In Re: The Estate of Doris Duane Colucci,

Michael C. Fox, Named Personal Representative in the Last
Will of Doris Duane ColucciAppellant,

v.

Andrew W. Chandler, Esquire, in his capacity as Special
Administrator of the Estate of Doris Duane Colucci,
Michael C. Fox, Successor Trustee of the Colucci Living Trust,
Dated February 24, 2005, Michael Frederick Antonio Colucci, John Martin Antonio,
Henry Burkes, and Richard M. Hyman, Jr., Esquire Respondents.

**RESPONDENT CHANDLER’S MOTION TO STRIKE MATTER FROM
THE RECORD ON APPEAL**

Pursuant to the South Carolina Court of Appeals Rules, Respondent Andrew Chandler, by
and through his undersigned counsel, hereby moves the Court for an Order excluding certain
matter designated by Appellant from the Record on Appeal.

In Appellant’s Supplemental Designation of Matter, he proposes that Respondent John
Antonio’s “Motion for Disclosure of All *Ex Parte* Communications and for Recusal and/or
Disqualification of the Honorable Mary Blunt and All Affiliated Persons” (“Motion for

Disclosure”) be included in the Record on Appeal. As indicated in Appellant’s Supplemental Designation of Matter, the Motion for Disclosure was filed in the Dorchester County Probate Court on January 24, 2020. The two orders from which Appellant has taken this appeal were both entered on May 28, 2019 by the Dorchester County Court of Common Pleas. See Notice of Appeal, dated June 25, 2019. It is temporally impossible that the Motion for Disclosure was presented to the lower court. See Rule 210(c), SCACR (“The Record shall not, however, include matter which was not presented to the lower court or tribunal.”). Therefore, the Motion for Disclosure is not a proper matter for inclusion in the Record on Appeal.

Based on the foregoing, Respondent Chandler respectfully requests that this Honorable Court issue an Order excluding the Motion for Disclosure from the Record on Appeal.



Elizabeth J. Palmer
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Charleston, SC 29402
(843) 577-6726

ATTORNEY FOR RESPONDENT
ANDREW W. CHANDLER

January 29, 2020

Other Counsel of Record:

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North Charleston, SC 29405

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Mt. Pleasant, SC 29464

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PROOF OF SERVICE

I do hereby certify that on January 29, 2020, I have served all counsel in this action with a copy of the documents herein below specified by mailing a copy of the same by United States mail, postage prepaid, to the following address:

Documents: **Respondent Andrew Chandler's Motion to Strike Matter from the Record on Appeal**

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Counsel Served:

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Garrett Law Offices, LLC
1075 E Montague Ave.
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January 29, 2020

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

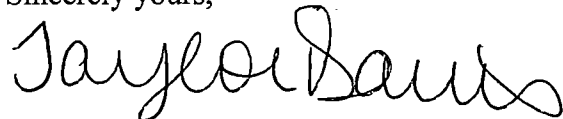
Re: In Re: The Estate of Doris Duane Colucci
Michael C. Fox v. Andrew W. Chandler et al.
Appellate Case No.: 2019-001065

Dear Ms. Kitchings:

Enclosed please find an original and six copies of Respondent Chandler's Motion to Strike Matter from the Record on Appeal and Proof of Service in connection with the above referenced matter. Also enclosed is our firm's check in the amount of \$50.00 for the filing fee. Please file the original and return a clocked copy to me in the enclosed self-addressed, stamped envelope provided.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your assistance with this matter.

Sincerely yours,



Taylor Davis
Legal Assistant to Elizabeth Palmer

/tnd

Enclosures

cc: Gordon H. Garrett, Esquire
Angus Lawton, Esquire
Adam Mlynarczyk, Esquire
M. Richardson Hyman, Jr.



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Charleston, South Carolina 29401

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Clerk, South Carolina Court of Appeals
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