

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

MAR 02 2020

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Deadra L. Jefferson, Circuit Court Judge

Case No.: 2018-CP-10-0872

Patricia B. Holliday.....Appellant,

v.

Ross S. Holliday.....Respondent.

APPELLANT’S MOTION TO STRIKE MATERIAL IN RESPONDENT’S INITIAL BRIEF
AND DESIGNATION OF MATTER TO BE INCLUDED ON THE RECORD

Appellant hereby moves to strike from the Respondent’s initial brief and the record various references to material not in the record. Rule 210(c) of the South Carolina Appellate Court Rules provides that “the Record shall not, however, include matter that was not presented to the lower court or tribunal.” Specifically, the Appellant seeks to strike the following items – and all references to them in the Respondent’s brief – because they were never presented to the circuit court.

Item 9: Plaintiff’s Response to Defendant’s First Set of Requests for Admission, dated December 21, 2018.

In addition, the Respondent makes references to the disposition of Warren Holliday’s estate after his death. These references include:

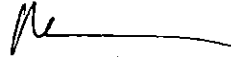
Respondent's Brief at 8: "Warren's will left all of his business properties and business and personal assets to his heirs, Respondent, and his brother, Lea Holliday."

Respondent's Brief at 9: "But the Agreement specifically disposes of every asset owned by the parties and provides that all assets not in the possession of the Appellant belonged to Warren, *who left all of his assets to Respondent and his brother.*"

There is no material in the record which supports these statements, and therefore they must be stricken from the record. Therefore, Appellant respectfully requests that these materials and statements be stricken from the record.

Counsel for Appellant consulted with Respondent's counsel concerning this motion. Respondent's counsel has consented to the motion.

WOMBLE BOND DICKINSON (US) LLP



Matthew Tillman, SC Bar No. 70338
5 Exchange Street
P.O. Box 999
Charleston, SC 29402
Telephone (843) 722-3400
Facsimile (843) 723-7398
Attorneys for the Appellant

Charleston, South Carolina
February 27, 2020

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Deadra L. Jefferson, Circuit Court Judge

RECEIVED
MAR 02 2020
SC Court of Appeals

Case No.: 2018-CP-10-0872

Patricia B. Holliday.....Plaintiff,

v.

Ross S. Holliday.....Respondent.

PROOF OF SERVICE

I do hereby certify that on the 27th day of February, 2020, I served a copy of the within *Appellant's Motion to Strike Material in Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal* on all counsel of record via First Class Mail, postage pre-paid and addressed as follows:

F. Truett Nettles, II, Esq.
Finkel Law Firm LLC
4000 Faber Place Drive, Suite 450
North Charleston, SC 29405

Alice F. Paylor, Esq.
Bijan Ghom, Esq.
Rosen Hagood, LLC
P.O. Box 893
Charleston, SC 29402
Attorneys for Defendant

WOMBLE BOND DICKINSON (US) LLP



Matthew E. Tillman
Womble Bond Dickinson (US) LLP
P. O. Box 999
Charleston, South Carolina 29402
(843) 722-3400
Attorneys for the Appellant

February 27, 2020



February 27, 2020

Womble Bond Dickinson (US) LLP

Post Office Box 999
Charleston, SC 29402

5 Exchange Street
Charleston, SC 29401

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

t: 843.722.3400

f: 843.723.7398

Matthew Tillman

Partner

Direct Dial: 843-720-4629

Direct Fax: 843-410-2329

E-mail: Matthew.Tillman@wbd-us.com

Re: Patricia B. Holliday v. Ross S. Holliday
Appellate Case No. 2019-002002
WBD Ref : 101682.0001.1

Dear Ms. Kitchings:

Enclosed please find the original and six copies of *Appellant's Motion to Strike Material in Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal* with Proof of Service. Please file the original and return a filed copy to me via the enclosed, self-addressed stamped envelope.

This firm's check in the amount of \$50.00 is enclosed to cover the filing fee.

Thank you for your assistance.

Sincerely,

RECEIVED

Womble Bond Dickinson (US) LLP
MAR 02 2020

A handwritten signature in black ink that reads "Matt".

Matthew Tillman

SC Court of Appeals

MET/cbc
Enclosures

cc: F. Truett Nettles, II, Esq.
Alice F. Paylor, Esq.
Bijan Ghom, Esq.



**WOMBLE
BOND
DICKINSON**

Womble Bond Dickinson (US) LLP
Post Office Box 999
Charleston, SC 29402

02/27/09
US POSTAGE \$001.00



ZIP 23401
6411125653

FIRST CLASS MAIL

Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
MAR 02 2009
SC Court of Appeals

