

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

**RECEIVED**

Alison Renee Lee, Circuit Court Judge

MAR 17 2020

~~SC Court of Appeals~~

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Appellate Case No. 2019-001609

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Rachel Farley, as Trustee of the Louise Farley Revocable Trust Dated February 8, 2005;  
Drummond B. Farley; Rachel R. Farley; Carol E. Farley; and Nancy E. Farley, Appellants,

v.

Church of the Harvest of Columbia, Inc., Respondent.

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MOTION TO EXCLUDE MATTER FROM THE RECORD ON APPEAL

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The Respondent hereby moves to exclude from the Record on Appeal the “Plaintiffs’ Memoranda in Opposition to the Motion for Summary Judgment filed August 20, 2018 and August 21, 2018” listed as Item No. 4 on the Appellant’s Designation of Matter to be Included in the Record on Appeal and the Transcript of Record of the hearing on August 22, 2018 (“the Transcript”) on the following grounds:

1. The Memoranda and the Transcript contain factual statements which should have been included in the statement of the case in the Plaintiffs’ Initial Brief. The Appellants are bound by the facts set out in their statement of the case, and they should not be able to modify that statement by reference to the memoranda.

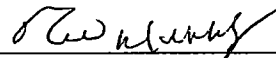
2. The Memoranda and the Transcript contain legal arguments which should have been included in the arguments raised by the Appellants in their Initial Brief. The Appellants’

Initial Brief has now been submitted and may not be changed. The Appellants should not be allowed to expand their arguments raised in the Initial Brief by reference to the Memoranda or the Transcript.

3. The Memoranda and the Transcript do not meet the requirements of Rule 56(e), SCRPC and the material contained in the Memoranda and the Transcript was not admissible as evidence in the lower court. The contents of the Memoranda and the Transcript should not be included as evidence in the Record on Appeal in this case.

For the reasons set out above, the Memoranda and the Transcript should be excluded from the Record on Appeal.

RESPECTFULLY SUBMITTED,



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Robert W. Dibble, Jr., SC Bar #1675  
Harrell, Martin & Peace, P.A.  
135 Columbia Avenue  
Post Office Box 1000  
Chapin, South Carolina 29036  
Telephone: (803) 345-3353  
ATTORNEYS FOR RESPONDENT

March 17<sup>th</sup>, 2020  
Chapin, South Carolina

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In the Court of Appeals

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Rachel Farley, as Trustee of the Louise Farley Revocable Trust Dated February 8, 2005;  
Drummond B. Farley; Rachel R. Farley; Carol E. Farley; and Nancy E. Farley, Appellants,

v.

Church of the Harvest of Columbia, Inc., Respondent.

PROOF OF SERVICE

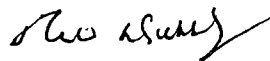
The undersigned hereby certifies that on March 17, 2020 he caused the *Initial Brief of Respondent, Counterdesignation of Matter to be Included in the Record on Appeal*, and *Motion to Exclude Matter from the Record on Appeal* to be sent via United States Postal Service, first class mail, with adequate postage prepaid, to the parties listed below:

William H. Edwards  
Moore Taylor Law Firm  
Post Office Box 5709  
West Columbia, SC 29171

Drummond B. Farley  
742 C. Avenue  
West Columbia, SC 29169

Carol E. Farley  
Post Office Box 1570  
Johns Island, SC 29457

Nancy E. Farley  
Post Office Box 1570  
Johns Island, SC 29457



Robert W. Dibble, Jr., Esquire  
Harrell, Martin & Peace, P.A.

Chapin, South Carolina  
March 17, 2020

**HMP** HARRELL, MARTIN  
& PEACE, P.A.  
ATTORNEYS AT LAW

L.K. "Trey" Harrell, III  
Jeremy C. Martin  
M. Alan Peace \*\*  
Taylor A. Peace  
Andrea "Andi" Cornelison  
Erik T. Norton

Robert W. Dibble, Jr. \*  
William Jennings (Bill) Buchanan \*  
Donald W. Tyler \*  
Thomas B. Jackson, III \*

\*Of Counsel  
\*\*Certified Mediator/Arbitrator

March 17, 2020

**RECEIVED**

MAR 17 2020

**SC Court of Appeals**

**VIA HAND DELIVERY**

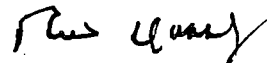
Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: Rachel Farley, as Trustee of the Louise Farley Revocable Trust Dated February 8, 2005; Drummond B. Farley; Carol E. Farley; and Nancy E. Farley v. Church of the Harvest of Columbia, Inc.  
Appellate Case No. 2019-001609  
Our File No. 3303.28245

Dear Madam Clerk:

Attached for filing please find the original and one copy of the *Initial Brief of Respondent*, the original and one copy of the *Counterdesignation of Matter to be Included in the Record on Appeal*, the original and six copies of the *Motion to Exclude Matter from the Record on Appeal* and the original and one copy of the *Proof of Service* in the above-referenced matter. By copy of this letter and aforementioned pleadings, we are serving same upon all parties of record.

Yours very truly,



Robert W. Dibble, Jr.

RWDJR:rdb

Attachments

cc: William H. Edwards, Esquire  
Mr. Drummond B. Farley  
Ms. Carol E. Farley  
Ms. Nancy E. Farley