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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

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MAY 28 2020

Appellate Case No.: 2017-002289

SC Court of Appeals

Miriam H. Samuel.....Appellant

v.

Lynne N. JohnsonRespondent

MOTION TO STRIKE RECORD ON APPEAL

Pursuant to Rules 210, 262, and 267, S.C.A.C.R., Respondent Lynne N. Johnson respectfully moves to strike the Record on Appeal submitted by Appellant Miriam H. Samuel. Respondent notes that Appellant has not yet filed the Record on Appeal, but has served a copy on counsel for the Respondent. It appears from court records that Appellant has failed to comply with the filing requirements of the appellate court rules for the Record on Appeal at this time.

Rule 210, S.C.A.C.R. sets forth the requirements for the content, organization, and filing of a proper Record on Appeal. Specifically, the rule provides that the Record on Appeal shall not include matter which was not presented to the lower court or tribunal. Additionally, it provides that each page of the Record on Appeal shall be numbered consecutively beginning with the

index. However, Appellant has not only failed to present the Record on Appeal in the proper order and organization required by this Court, but has also failed to number the pages of the Record in any consistent or coherent manner, making the Record impossible to cite to in a Final Brief.

Furthermore, the Record on Appeal presented by the Appellant includes numerous documents, exhibits, and photographs which were not presented to the lower court and are therefore improper for consideration on appeal. Appellant has also included several pages of typed argument, which appear to be an attempt at an additional or supplemental brief, which is improper under the rules of this Court. These documents should be stricken from the Record on Appeal, as they are improper under the rules.

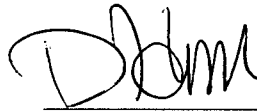
Finally, because the Record on Appeal filed by the Appellant does not comply with the rules or satisfy the requirements of a proper Record on Appeal, Respondent respectfully requests this Court to dismiss this appeal on the basis that the Appellant has failed to comply with the Court's order filed March 6, 2020, ordering Appellant to serve the Record on Appeal within 30 days of said order to have this appeal reinstated.

CONCLUSION

Accordingly, based on the arguments above, Respondent requests the Record on Appeal be stricken, that Appellant be ordered to compile an Amended Record which complies with the rules, or, in the alternative, that this Court dismiss the above-referenced appeal based on Appellant's failure to comply with its order.

[signature page to follow]

CLAWSON and STAUBES, LLC



for Julie A. Coleman
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Attorney for Respondent

Columbia, South Carolina
May 27, 2020

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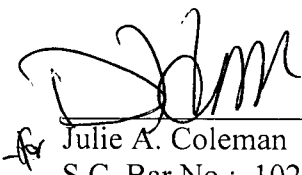
LYNNE N. JOHNSONRespondent

CERTIFICATE OF SERVICE

I, Julie A. Coleman, certify that I have today served the Motion to Strike Record on Appeal by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Miriam H. Samuel
4014 Margrave Road Columbia, SC 29203

May 27, 2020



Julie A. Coleman
S.C. Bar No.: 102214
1612 Marion Street, Suite 200
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Attorney for Respondent

**CLAWSON
AND
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Julie A. Coleman
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May 27, 2020

File No.: 20144069.000

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

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SC Court of Appeals

Re: Miriam H. Samuel vs. Lynne N. Johnson and Paulette West
Case No.: 2016-CP-40-02393

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion to Strike the Record on Appeal to be filed in the above-referenced case. Please file the original and return a stamped, filed copy of the Motion to Strike the Record on Appeal in the self-addressed, stamped envelope provided for your convenience. Also enclosed is our check in the amount of Fifty (\$50.00) Dollars representing the administrative fee for this request as well as the docketing form required by your office.

By copy of this letter, I am serving a copy of the Motion to Strike the Record on Appeal upon counsel of record, along with a Certificate of Service.

Very truly yours,

CLAWSON and STAUBES, LLC


for Julie A. Coleman

JAC/sns
Enclosure

cc: Ms. Miriam H. Samuel (with enclosure)(via US Mail)

**CLAWSON
AND STAUBES**

LLC

1612 Marion Street, Suite 200
Columbia, SC 29201-2939
File #: 20144069.000

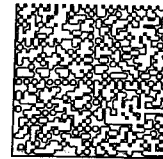
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