

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Maite Murphy, Circuit Court Judge

Appellate Case No. 2020-001387
Case No. 2017-CP-10-5493

RECEIVED
Jun 01 2021
SC Court of Appeals

Shem Creek Development Group, LLC,..... Respondent,

v.

The Town of Mount Pleasant, South Carolina,..... Appellant.

**MOTION TO STRIKE MATERIALS
DESIGNATED BY RESPONDENT FOR INCLUSION
IN RECORD ON APPEAL**

The Appellant Town of Mount Pleasant moves this Court pursuant to Rule 209(b) and Rule 210(c), SCACR, for an order directing that the following documents be excluded from the Record on Appeal when it is prepared:

8. Defendant's First Requests for Production to Plaintiff, dated May 4, 2018
18. Plaintiff's Supplemental Production to Defendant's First Requests for Production – 101 Coleman Partners' Financial Statements and Parking Garage Financials, Bates labeled SCDG00004005 through SCDG00004367
19. Email from Counsel for Plaintiff to Counsel for Defendants dated April 9, 2019 producing Plaintiff's Supplemental Production to Defendant's First Requests for Production – 101 Coleman Partners' Financial Statements and Parking

Garage Financials, Bates labeled SCDG00004005 through
SCDG00004367

These documents, which are not included in the lower court record and were not otherwise submitted to the lower court judge, have been improperly designated by the Respondent Shem Creek Development Group, LLC for inclusion in the Record on Appeal.

In addition to the exclusion of these documents from the Record on Appeal, the Respondent seeks an order directing that the excluded materials not be referred to nor cited in the Respondent's brief.

In the alternative, if the Court allows any of these items to be included in the Record on Appeal despite never being submitted to the lower court, the Appellant requests leave of court to allow it to file additional discovery documents to refute the arguments made by the Respondent and to allow the Appellant to file an amended reply brief to address the disputed documents.

The Appellant's motion is addressed in greater detail in the supporting memorandum filed herewith.

The Appellant requests that all deadlines be held in abeyance until this motion is adjudicated.

LINDEMANN & DAVIS, P.A.

BY: s/ Andrew F. Lindemann
ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

DAVID PAGLIARINI #8850
Corporation Counsel
Town of Mount Pleasant
100 Ann Edwards Lane
Mount Pleasant, South Carolina 29465
(843) 849-2020

CLAUDIUS O. TACKETT, II #72988
CLAUDE TACKETT LAW FIRM, LLC
Post Office Box 429
Mount Pleasant, South Carolina 29465
(843) 800-1126

*Counsel for Appellant
Town of Mount Pleasant*

June 1, 2021