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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS  
Alison R. Lee, Circuit Court Judge

RECEIVED  
MAY 01 2013  
SC Court of Appeals

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Appellate Case No: 2012-212896

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Charles Taylor, Appellant  
v.

Thomas Davis and State Farm Mutual  
Automobile Insurance Company, Respondents

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RESPONDENT’S REPLY TO APPELLANT’S  
MOTION TO STRIKE BACKGROUND  
SECTION OF LOWER COURT ORDER

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In a motion dated April 23, 2013 Appellant seeks to have this Court strike the “**BACKGROUND**” Section of Judge Alison Lee’s Order filed July 17, 2012, the Order from which Appellant bases his entire appeal. Appellant’s motion lacks merit for several reasons. First, it would be obviously improper to have the Court of Appeals strike language from an order upon which Appellant’s appeal is based. Apparently, Appellant wishes to selectively include a portion of the lower court’s order while excluding another portion which Appellant deems is prejudicial to his

argument. Appellant should not be allowed to “pick and choose” what portions of the lower court order shall be considered by the Court of Appeals. The “background” section of the lower court’s order included matters which were before the court at the time of the hearing. Judge Alison Lee had presided over pre-trial motions, the jury trial and the post-trial motions so she was intimately familiar with the facts of the case and all of the procedural and substantive issues at the time of the May 7, 2012 hearing which resulted in her July 17, 2012 Order.

Appellant contends that all or a portion of the “background” section of Judge Lee’s order was “almost verbatim” from Respondent’s memorandum to the lower court. Respondent would point out that Judge Lee, not Respondent, drafted and authored the Order of July 17, 2012. The fact that Judge Lee may have adopted in her order background information cited by Respondent in its memorandum is in no way improper. If the “**BACKGROUND**” section of her Order is not included, the remainder of Judge Lee’s Order could not be put in proper context and would not give the Court of Appeals the necessary history and information on this case necessary to make an informed ruling on Appellant’s appeal.

Appellant argues that the inclusion of the lower court’s “**BACKGROUND**” portion of its order “. . . **would taint the appeal in Respondent’s favor unjustly** . . .” This argument is totally without merit. All issues raised, discussed and presented to the court which Judge Lee chose to include in her Order must be considered by this Court in ruling upon Appellant’s appeal.

Accordingly, Respondent respectfully submits that Appellant’s motion to strike the

"background" section of the lower court's order should be denied.

Respectfully submitted,

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May 1, 2013

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CERTIFICATE OF SERVICE

I hereby certify that a copy of Respondent State Farm's Motion to Strike Appellant's Purported Record on Appeal and Motion to Dismiss Appeal and Respondent's Reply to Appellant's Motion to Strike was served upon the following by depositing said papers in the United States Mail, Columbia, South Carolina, on the 1st day of May, 2013, with the first class postage duly affixed and a return address clearly indicated on the envelope, addressed as follows:


Charles Taylor  
P. O. Box 3652  
Sumter, SC 29151

Thomas Davis  
P. O. Box 773  
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MAY 01 2013

COURT OF APPEALS



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