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Feb 17 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

The Honorable Allison Renee Lee, Circuit Court Judge

Case No. 2020-CP-40-01980
Appellate Case No. 2021-000804

Johnnie Cordero, Appellant (pro se),

v.

Matthew Kisner, in his official capacity as Chair of The Richland County Democratic Party; The Richland County Democratic Party; Trav Robertson, Jr., in his official capacity as Chair of The South Carolina Democratic Party; and The South Carolina Democratic Party, Respondents.

**RESPONDENTS’ JOINT MOTION TO STRIKE PORTIONS OF
“INITIAL BRIEF OF APPELLANT (AMENDED)”**

Respondents Matthew Kisner, the Richland County Democratic Party, Trav Robertson, Jr., and the South Carolina Democratic Party (collectively, “Respondents”) respectfully move this Court for an Order striking sections I.D and I.E. of Appellant’s “Initial Brief of Appellant (Amended).” The basis for this Motion is that Appellant improperly includes in his “Initial Brief of Appellant (Amended)” substantive additions and edits, beyond correcting certain procedural deficiencies identified by the Court.

On December 30, 2021, Appellant filed his Initial Brief.

On January 7, 2022, this Court issued a deficiency letter to Appellant identifying certain procedural deficiencies in Appellant's Initial Brief and directing Appellant to correct said deficiencies within ten days. The deficiencies identified by the Court were as follows:

- The initial brief is not accompanied by a designation of matter to be included in the record on appeal as required by Rule 209, SCACR.
- The initial brief cannot contain any exhibits. You must serve and file an amended initial brief that does not contain the attached exhibit.
- The caption/title does not comply with Rule 267(a), SCACR.

The letter advised Appellant that his failure to correct the above deficiencies would result in dismissal of this appeal.

On January 18, 2022, Appellant filed what he styled as "Initial Brief of Appellant (Amended)." In this document, Appellant goes beyond addressing the procedural deficiencies directed by the Court and makes significant substantive additions and edits to the body of his Initial Brief. The "Initial Brief of Appellant (Amended)" contains, at a minimum, the following substantive changes:

- Rewording of Appellant's Statement of Issues on Appeal (App. Initial Brief (Amended) p. 1);
- Addition of Argument section I.D. (Id. at pp. 11-12); and
- Addition of Argument section I.E. (Id. at pp. 12-13).

Nothing in the South Carolina Appellate Court Rules, South Carolina Rules of Civil Procedure, or this Court's deficiency letter dated January 7, 2022, permits Appellant to make such amendments to his Initial Brief. Essentially, Appellant has used the Court's direction to correct the specified procedural deficiencies in his Initial Brief as a "do-over" or extension of time to develop arguments he failed to make in his Initial Brief.

Based on the foregoing, Respondents request that this Court strike Argument sections I.D. and I.E. and any other substantive additions from the document styled as “Initial Brief of Appellant (Amended)” filed on January 17, 2022.

Respectfully submitted,

s/ Grant Burnette LeFever
Nekki Shutt (SC Bar 8784)
Grant Burnette LeFever (SC Bar 103807)
BURNETTE SHUTT & McDANIEL, PA
912 Lady Street, 2nd Floor (29201)
PO Box 1929
Columbia, South Carolina 29202
Telephone: (803) 904-7912
Fax: (803) 904-7910
NShutt@BurnetteShutt.Law
GLEFever@BurnetteShutt.Law

ATTORNEYS FOR RESPONDENTS

Columbia, South Carolina

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PROOF OF SERVICE

I do hereby certify that I have served a copy of **RESPONDENTS' JOINT MOTION TO STRIKE PORTIONS OF "INITIAL BRIEF OF APPELLANT (AMENDED)"** upon Appellant by mailing a copy of the same via USPS first-class mail, addressed to the following:

Johnnie Cordero
4204 Mandel Drive
Columbia, SC 29210

s/Grant Burnette LeFever
Grant Burnette LeFever

February 17, 2022
Columbia, South Carolina