

RECEIVED

Jun 14 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2022-000231

Forum Benefits, LLC,Appellant

v.

Brian Bannon and Assured Partners, NL,Respondents

**RESPONDENTS’ NOTICE OF NON-COMPLIANCE AND MOTION FOR EXTENSION
OF TIME TO FILE INITIAL BRIEF**

Respondents, Brian Bannon and Assured Partners, NL (“Respondents”), submit this Notice of Non-Compliance with SCACR 208(b)(4) and, as a result, request that the Court require Appellant, Forum Benefits, LLC (“Appellant”), to file an amended initial brief and provide Respondents with 60 days from the date that Appellant files its amended initial brief for Respondents to file their initial brief.

Rule 208(b)(4) of the SCACR requires the following:

The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [see Rule 210(c)] to support the salient facts alleged. References shall also be made to where relevant objections and rulings occurred in the transcript. In the initial briefs, these references should be to the page and line number of the transcript prepared by the court reporter or by the page of the material to be referenced; e.g., Answer p. 7, Motion for Judgment p. 2, Transcript p. 231. Intelligible abbreviations may be used.

After the Record on Appeal is prepared, these references shall be revised as provided by Rule 211(b)(1).

(emphasis added.)

Appellant's Initial Brief filed on May 27, 2022 contains no citations to the trial transcript or any material that Appellant referenced. Instead, each "citation" provides blank citations to the record, e.g. "(R. ___)." These placeholders are non-compliant with Rule 208(b)(4) and deny Respondents the ability to review the alleged record evidence Appellant is relying upon for its arguments and any opportunity to confirm or challenge the accuracy of Appellant's representations.

Respondents request that Appellant be required to file an initial brief that cites to the record evidence in compliance with the Appellate Rules. Likewise, Respondents request an extension to submit their Initial Brief until 60 days after Appellant submits its amended initial brief that complies with Rule 208(b)(4) to provide Respondents with sufficient time to analyze Appellant's arguments and record citations. Appellants received two extensions to file their non-compliant initial brief totaling a 60 day extension. Respondents request at least an equal amount of time to file their initial brief.

WHEREFORE, Respondents respectfully request an Order requiring Appellant to file an initial brief that is compliant with SCACR 208(b)(4) and extending the deadline for Respondents to file their initial brief until 60 days after Appellant files an amended and compliant initial brief.

/s/ Jeffrey A. Lehrer

Jeffrey A. Lehrer

FORDHARRISON LLP

100 Dunbar Street, Suite 300

Spartanburg, South Carolina 29306

Telephone: (864) 699-1100

Email: jlehrer@fordharrison.com

Attorneys for Respondents

Dated: June 14, 2022

RECEIVED

Jun 14 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2022-000231

Forum Benefits, LLC,Appellant

v.

Brian Bannon and Assured Partners, NL,Respondents

PROOF OF SERVICE

Jeffrey A. Lehrer (SC Bar No. 16687)
FORDHARRISON LLP
100 Dunbar Street, Suite 300
Spartanburg, SC 29306
Telephone: (864) 699-1100
Facsimile: (864) 699-1101
jlehrer@fordharrison.com
Attorneys for Respondents

I, Jeffrey A. Lehrer, of FordHarrison, LLP, counsel for Brian Bannon and Assured Partners, NL, hereby certify that the foregoing **NOTICE OF NON-COMPLIANCE AND MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF** BY BRIAN BANNON AND ASSURED PARTNERS, NL has been served upon opposing counsel, pursuant to the Supreme Court's Order 'Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules,' (as amended May 6, 2022), by e-mailing a copy to counsel at their AIS e-mail address, as reflected below:

Timothy David St. Clair, Esq.
Parker Poe Adams & Bernstein LLP
110 East Court Street, Suite 200
Greenville, SC 29601
timstclair@parkerpoe.com

Katon Edwards Dawson, Jr., Esq.
Parker Poe Adams & Bernstein LLP
1221 Main Street, Suite 1100
Columbia, SC 29201
katondawson@parkerpoe.com

Steven R. LeBlanc, Esq.
P.O. Box 9198
Greenville, South Carolina 29604
steve@leblancllc.com
Attorneys for Appellant

Respectfully submitted,

s/ Jeffrey A. Lehrer
Jeffrey A. Lehrer, Esq. (S.C. Bar No. 16687)
FORDHARRISON LLP
100 Dunbar Street, Suite 300
Spartanburg, SC 29306
Telephone: (864) 699-1100
Facsimile: (864) 699-1101
jlehrer@fordharrison.com
Attorneys for Respondents

Dated: June 14, 2022

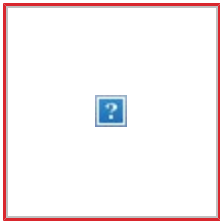
From: [Heather M. Ratliff](#)
To: steve@leblancllc.com; katondawson@parkerpoe.com; timstclair@parkerpoe.com
Cc: [Jeffrey Lehrer](#)
Subject: Forum Benefits, LLC v. Brian Bannon and Assured Partners, NL - Appellate Case No. 2022-000231
Attachments: [Forum v. Assured Partners - Cover Letter to Clerk, South Carolina Court of Appeals re Motion for Extension 6-14-22.pdf](#)
[Forum v. Assured Partners - Respondents' Notice of Non-Compliance and Motion for Extension of Time to File Initial Brief 6-14-22.pdf](#)
[Forum v. Assured Partners - Proof of Service 6-14-22.pdf](#)

Good Afternoon,


On behalf of Jeffrey Lehrer:

Attached please find a service copy of Respondents' Notice of Non-Compliance and Motion for Extension of Time to File Initial Brief along with the Proof of Service in the above-referenced matter.

Thank you,



Heather M. Ratliff - *Legal Assistant*

FordHarrison LLP - Ius Laboris USA | Global HR Lawyers 
100 Dunbar Street, Suite 300 | Spartanburg, SC 29306
Hratliff@fordharrison.com | P: 864-699-1149

LTC4 Certified Legal Support Specialist | [FHPromise](#) | [Subscribe](#)

Writer's Direct Dial:
JEFFREY A. LEHRER
864-699-1152
jlehrer@fordharrison.com

June 14, 2022

VIA: E-FILE (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals

**Re: Forum Benefits, LLC v. Brian Bannon and AssuredPartners, NL
Appellate Case No. 2022-000231**

Dear Ms. Kitchings:

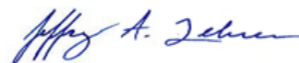
Please find attached Respondent's Notice of Non-Compliance and Motion for Extension of Time to File Initial Brief, along with the Proof of Service thereof.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With highest regards, I remain

Very truly yours,

FORD & HARRISON LLP



JEFFREY A. LEHRER

JAL/hmr

Attachments

cc: Steven R. LeBlanc, Esq. (via: e-mail - steve@leblancllc.com)
Timothy David St. Clair, Esq. (via: e-mail timstclair@parkerpoe.com)
Katon Edwards Dawson, Jr., Esq. (via: e-mail katondawson@parkerpoe.com)

WSACTIVELLP:13184867.1

RECEIVED
Jun 14 2022
SC Court of Appeals