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Nov 02 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge

Appellate Case No.: 2020-001695
Trial Court Case Nos. 2019-CP-42-02212 & 2019-CP-42-02215

Mark Douglas Hill, III by and through
his Duly appointed Guardian ad Litem, Helen Kaci Hill, Plaintiff.....Respondent,

v.

Cranston Print Works Company D/B/A Cranston Trucking Company, Ryder
Truck Rental, Inc., Optimum Staffing, Inc., D/B/A Optimum Logistic Solutions
Optimum Logistic Solutions, and Jason E. Burdette, Defendants,

Of whom Cranston Print Works Company d/b/a Cranston Trucking
Company, Optimum Staffing, Inc., d/b/a Optimum Logistic
Solutions, and Jason E. Burdette are.....Appellants,

and

Gregory Jones, Sr., as the Father and Duly Appointed Personal Representative
of the Estate of Jessica Dawn Jones, Deceased, PlaintiffRespondent,

v.

Cranston Print Works Company D/B/A Cranston Trucking Company, Ryder
Truck Rental, Inc., Optimum Staffing, Inc., D/B/A Optimum Logistic Solutions
Optimum Logistic Solutions, and Jason E. Burdette, Defendants,

Of whom Cranston Print Works Company d/b/a Cranston Trucking
Company, Optimum Staffing, Inc., d/b/a Optimum Logistic
Solutions, and Jason E. Burdette are.....Appellants

**RESPONDENTS' MOTION AND MEMORANDUM IN SUPPORT OF
MOTION FOR ATTORNEY FEES AND SANCTIONS**

ISSUE PRESENTED

The issue presented by way of this Motion and Memorandum in Support of Respondents' Motion for Attorney Fees and Sanctions is that all Appellants knowingly filed improper appeals in an attempt to prolong and delay the underlying litigation, which makes the filing of the appeals subject to the taxing of costs pursuant to Appellate Court Rule 222 and sanctions pursuant to Appellate Court Rule 269.

FACTUAL BACKGROUND

Respondents filed various discovery motions including a Motion to Deem Certain Matters Admitted on July 16, 2020. The motion was heard along with various other motions regarding discovery issues by the Honorable R. Keith Kelly on July 27, 2020. On October 8, 2020, the Circuit Court issued an Order wherein among other things they granted in part the Respondents' Motion to Deem Certain Matters Admitted, and critically stated that:

“The Court hereby Orders that each of the aforementioned Requests for Admission be re-answered in light of the sworn deposition testimony of Defendant Burdette, and that Defendant Burdette sign and attach a verification pursuant to Rule 11(c) of the South Carolina Rules of Civil Procedure when providing the new answers within ten (10) days.”

Appellants, who were all represented by one attorney at the time, filed a Motion to Alter and/or Amend, along with a supporting Memoranda pursuant to Rule 59(e), SCRCPP, on October 19, 2020. After considering the positions of each side, and upon review of the record before it, the Circuit Court issued an Order denying the Appellants' Motion to Alter and/or Amend on December 18, 2020.

While awaiting the Circuit Court's ruling on Appellants' Motion to Alter and/or Amend, the underlying cases were placed on the status roster for November 23, 2020. On that date, all Counsel, including Petitioners' Counsel at the time, agreed to place the Jones matter on the date

certain roster for the term of court beginning April 5, 2021. Thereafter, on December 8, 2020, Respondents' Counsel was informed that Geoffrey Gibbon, Esquire, would be assuming the defense of Appellant Burdette, and Robert Peele, Esquire, would be assuming the defense of Appellant Optimum moving forward. Following the issuance of the Circuit Court's December 18, 2020 Order, Appellant Burdette's new attorney informed Respondents' Counsel that his client intended to appeal the Order rather than to comply with it, or in the alternative, face contempt for failure to comply.

That Appeal was filed on December 29, 2020. The next day, on December 30, 2020, Counsel for Respondents wrote a letter to Counsel for Appellant Burdette, wherein they noted that the Orders at issue were interlocutory in nature, and thus not appealable. A copy of that letter is attached hereto as Exhibit A. Further, Counsel for Respondents requested that Appellant Burdette withdraw his appeal, and informed them that Respondents intended to file a Motion to Dismiss the Appeal. Counsel for Respondents also advised that they viewed the appeal as frivolous. Counsel for all other Appellants were copied on the letter and alerted to the Respondents' position. Thereafter, on January 11, 2021, Respondents filed a Motion to Dismiss Appellant Burdette's appeal. On January 12, 2021, Respondents' Counsel received notice that Appellants Optimum and Cranston had also filed appeals from the Circuit Court's Interlocutory Orders. Thereafter, all Appellants filed Returns to the Respondents' Motion to Dismiss and a Reply was also filed by Respondents.

On February 11, 2021, this Honorable Court dismissed the appeal on the basis that the underlying orders on appeal are not immediately appealable. All Appellants then petitioned for rehearing. Following a request from the Court of Appeals, a Return was filed opposing the Petition

for Rehearing. Following the submission of Replies by the Appellants, on May 12, 2021, this Honorable Court denied the Petitions for Rehearing.

After the Petitions for Rehearing were denied, Counsel for Respondents again sent a letter to all Counsel for the Appellants on May 13, 2021. A copy of that letter is attached hereto as Exhibit B. In that correspondence, Appellants Counsel were again informed that the appeal was viewed as frivolous, and were strongly encouraged not to pursue the matter any further. Appellants' Counsel were explicitly told that their conduct had precluded discovery from continuing, and from the case moving forward despite the clear language of Appellate Court Rule 241(a).

Despite the request from Respondents' Counsel, Appellants each filed Petitions for a Writ of Certiorari on June 11, 2021. On June 30, 2021, Counsel for Respondents again sent a correspondence to all Counsel for Appellants. A copy of that letter is attached hereto as Exhibit C. In that letter, Counsel again noted that the appeal was viewed as frivolous, and that Counsel for Appellant Cranston was using the appeal to justify not moving forward with other discovery in the case that was unaffected by the appeal. It was then requested that the appeal be withdrawn. The Supreme Court wisely denied certiorari in this matter on October 27, 2022, and this Honorable Court issued an Order of Remittitur that same day.

LEGAL ARGUMENT

- I. Appellant's have improperly brought an appeal that they knew or should have known to be frivolous, and based upon the Appeal being dismissed by the Court of Appeals, and the request for Writ of Certiorari being denied, Respondents are entitled to attorneys' fees, and sanctions.

As a general rule, a discovery order is not immediately appealable. *Ferguson v. Charleston Lincoln/Mercury Inc.*, 344 S.C. 502, 510, 544 S.E.2d 285, 290 (Ct. App. 2001). Once a final order on the merits is issued, the prior discovery orders become appealable. *Hamm v. South Carolina Pub.*

Serv. Comm'n, 312 S.C. 238, 439 S.E.2d 852 (1994). Further, an order refusing to compel discovery is interlocutory and not immediately appealable. *Lowndes Prods., Inc. v. Brower*, 262 S.C. 431, 205 S.E.2d 184 (1974). In seeking relief from an Order regarding discovery, former Chief Justice Pleicones aptly noted in his Concurrence that “[I]t is well-settled that a party can obtain review of the merits of a discovery order only after refusing to comply and being held in contempt. *See Davis*, 409 S.C. at 290-1, 762 S.E.2d at 548 (citing *Grosshuesch v. Cramer*, 377 S.C. 12, 659 S.E.2d 112 (2008)). Justice Pleicones’ statements were echoed in the majority decision where it was stated that “to challenge the specific rulings of the discovery orders, the normal course is to refuse to comply, suffer contempt, and appeal from the contempt finding.” *See Davis*, 409 S.C. at 280-1, 762 S.E.2d at 543 (citing *Ex Parte Whetstone*, 289 S.C. 580, 347 S.E.2d 881-2 (1986)). The Supreme Court clearly stated in *Ex Parte Whetstone* that “[A]n order directing a party to participate in discovery is interlocutory and not directly appealable.” *Ex Parte Whetstone*, 289 S.C. 580, 347 S.E.2d 881-2 (1986). Additionally, the Supreme Court noted in a 2010 decision that:

“[O]ur willingness to review a discovery order by way of certiorari will be as rare as the proverbial ‘hen’s tooth.’ We have no desire to micromanage discovery orders. It is our hope that in resolving this matter, we will speak to trial courts generally.”

Oncology and Hematology Assoc. of S.C., LLC v S.C. Dept. of Health and Enviro. Control and Spartanburg Regional Healthcare Sys., d/b/a The Village at Pelham Cancer Ctr., 387 S.C. 380, 388, 692 S.E.2d 920, 924 (2010).

When a party appeals an Order, and that appeal is dismissed or judgment on appeal is affirmed, the South Carolina Appellate Court Rules stated that “costs shall be taxed against the appellant”. Rule 222(a) SCACR. Among other things, one of the costs that are allowed to be taxed against an appellant whose appeal is dismissed, is that of “an attorney’s fee in an amount which shall

be set by order of the Supreme Court.” Rule 222(b) SCACR. Rule 269 of the South Carolina Appellate Court Rules clearly states that:

“[W]here an appeal, petition, motion or return is frivolous or taken solely for the purposes of delay, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require. This Rule does not apply to any matters where counsel is required by law to pursue an appeal or petition for writ of certiorari even though the matter may be frivolous.”

Rule 269 SCACR.

A review of the file finds that Appellant Burdette did not comply with either of the underlying Orders of the Circuit Court, or suffer contempt by failing to comply with the Orders. Rather, Appellant Burdette, by and through his Counsel, filed this appeal. Thereafter, both Appellants Cranston and Optimum joined in with separate appeals of the same Orders without any basis for filing the same. Such appeals were clearly barred as interlocutory based upon the aforementioned legal precedents. Each Appellant was told on numerous occasions that their Appeals were improper, and given ample opportunities to withdraw their frivolous proceedings. Yet each persisted.

The Appellants never made a case that the Orders contained any appealable issue as evidenced by this Honorable Court granting Respondents’ Motion to Dismiss and the Supreme Court’s refusal to grant Certiorari. The Appellants each clearly took such steps to delay the underlying case, including refusing to move forward with discovery on issues not raised in the appeal. As such, the undersigned would respectfully submit that when confronted with the aforementioned facts the only inference that can be drawn is that the appeal was meant to delay the underlying proceedings for as long as possible. The Appellants were clearly advised of the law, and decided to waste Respondents’ and this Honorable Court’s time and resources on what can only be said to be a “fool’s errand”.

Overall, it is respectfully submitted that the appeals appear to have been “taken solely for the purposes of delay” and the undersigned would request that under Appellate Court Rule 269 that this Honorable Court consider the imposition upon the Appellants of “such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.” Rule 269 SCACR. Additionally, Respondents would respectfully request that attorneys’ fees be taxed in the amount allowed by law against each Appellant as each brought their own appeal of the Circuit Court’s Order in the two (2) underlying cases.

CONCLUSION

Based on the foregoing, the Respondents would respectfully request that this Honorable Court grant the instant Motion, and find that Respondents are entitled to a sum of two thousand five hundred dollars (\$2,500.00) against each Appellant in both of the underlying cases, and for such sanctions as the Court deems just and proper given the frivolous nature of the Appeal.

RESPECTFULLY SUBMITTED,



Alexander P. Lewis
S.C. Bar Number: 78991
W. Blake Cummings
S.C. Bar Number: 80067
CUMMINGS & LEWIS, LLC
Post Office Box 5766
Spartanburg, SC 29304
Telephone No.: (864) 573-9688
alex.lewis@cummingslewis.com
blake.cummings@cummingslewis.com

AND

Patrick E. Knie, Esq.
S.C. Bar Number: 3564
PATRICK E, KNIE LAW OFFICES
250 Magnolia Street

November 2, 2022
Spartanburg, South Carolina

Spartanburg, South Carolina 29306
(864) 582-5118
pknie@knielaw.com

Counsel for Plaintiffs/Respondents

EXHIBIT A

PATRICK E. KNIE

ATTORNEY AT LAW

A Professional Association

250 Magnolia Street

Spartanburg, S.C. 29306

Telephone No. (864) 582-5118

Fax No.:
(864) 585-1615

Mailing Address:
P.O. Box 5159 (29304)

December 30, 2020

Mr. Geoffrey W. Gibbon
Mr. Zachary S. Brown
McAngus Goudelocke & Courie, LLC
Attorneys at Law
Post Office Box 2980
Greenville, South Carolina 29602

RE: Mark Douglas Hill, III By And Through His Duly Appointed Guardian Ad Litem, Helen Kaci Hill vs. Cranston Print Works Company d/b/a Cranston Trucking Company, Ryder Truck Rental, Inc., Optimum Staffing, Inc. d/b/a Optimum Logistic Solutions, and Jason E. Burdette
C/A No.: 2019-CP-42-02212

Dear Geoff,

We are in receipt of your Notice of Appeal in the above referenced action. In light of your earlier email, it is our understanding that you are basing your appeal around the theory that under Rule 37 SCRPC that Judge Kelly's December 18, 2020 Order is a final Order and thus immediately appealable. Please allow this correspondence to serve as our response to your contentions and notice of what our intentions are moving forward.

Firstly, we would take the position that your view of the Order at hand is incorrect and has in fact caused you to file an appeal that is impermissible. Specifically, Judge Kelly has not issued an Order that is in any way appealable. As you will no doubt notice, the Order merely issues a sanction for failure to properly Answer Requests to Admit in a manner that was consistent with earlier sworn deposition testimony. The Order in essence was allowing your client, Jason Burdette, not the carrier, the opportunity to cure his defective discovery. The case of Davis v. Parkview Apartments, 409 S.C. 266, 280-1 (2014), makes clear, whereas here, someone files an appeal from an Order of Sanctions in the discovery process allowing an opportunity to cure the error that the appeal was determined to be interlocutory in nature and therefore the appeal was improper. Going one step further, the Court in Davis, supra., noted that the normal course is to actually be found in contempt in failing to actually comply with the sanctions, and then possibly appeal, or to comply with the sanctions. *Id.* (citing Ex Parte Whetstone, 289 S.C. 580 (1986)). Here, you have done neither. Rather, you, at the request of the carrier, have filed an appeal that is interlocutory in nature.

Secondly, even if you are successful in surviving the Motion to Dismiss the appeal, which we are preparing to file, I would ask that you provide this correspondence to Mr. Burette, your client, and the carrier, so that they fully understand our course of action moving forward. We are confident that the Motion to Dismiss will be granted; but, we are also confident that if it is not, the appeal itself will be denied. In the event that we are successful on either of these points, we will be seeking costs for what we view as a frivolous appeal. While I understand that the carrier does not like that Judge Kelly's Order requires Mr. Burdette to stand by sworn deposition testimony, Mr. Burdette must be advised that he himself may be held in contempt for failure to comply, as I can assure you we will be moving for the same to occur once the appeal is dismissed. The fact that Mr. Burdette has been offered an opportunity to cure his defective answers is a mild sanction, compared to the "harsh medicine" of dismissing his Answer and holding him in default, as is the often discussed Sanction in most of the reported cases. As you no doubt are aware, whereas here, Sanctions are issued it is considered incumbent on the Appellant, Mr. Burdette, to show that the Sanctions imposed were harsh or that the Circuit Judge abused his discretion. Simply put, we are confident that your appeal will not meet this bar.

Overall, I would ask that you provide this letter to both Mr. Burdette and the carrier and inform them of our position. We would ask that Mr. Burdette reconsider his filing of the appeal that we consider to be baseless and frivolous in order to avoid any further imposition of sanctions, or filing for costs.

If you wish to discuss the matter further by phone I am happy to do so.

Sincerely,



Patrick E. Knie

PEK:adb

cc: Mr. W. Blake Cummings
Mr. Alexander P. Lewis
Cummings & Lewis
Attorneys at Law
679 East Main Street
Spartanburg, South Carolina 29302

Mr. William T. Young, III
Mr. T. David Rheney
Gallivan White & Boyd, P.A.
Attorneys at Law
Post Office Box 10589
Greenville, South Carolina 29603

Mr. Duke R. Highfield
Mr. Brandt R. Horton
Young Clement Rivers, LLP
Attorneys at Law
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401

Mr. Robert M. Peele, III
Collins & Lacy, P.C.
Attorneys at Law
1330 Lady Street, Sixth Floor
Columbia, South Carolina 29201

EXHIBIT B

PATRICK E. KNIE

ATTORNEY AT LAW

A Professional Association

250 Magnolia Street

Spartanburg, S.C. 29306

Telephone No. (864) 582-5118

Fax No.:

(864) 585-1615

Mailing Address:

P.O. Box 5159 (29304)

May 13, 2021

VIA E-MAIL AND REGULAR MAIL

Mr. William T. Young, III

Mr. T. David Rheney

Gallivan White & Boyd, P.A.

Attorneys at Law

One Liberty Square

55 Beattie Place, Suite 1200

Greenville, South Carolina 29601

Mr. Geoffrey W. Gibbon

Mr. Zachary S. Brown

McAngus Goudelocke & Courie, LLC

Attorneys at Law

Post Office Box 2980

Greenville, South Carolina 29602

Helen F. Hiser, Esq.

MCANGUS GOUDELOCKE & COURIE, LLC

735 Johnnie Dodds Blvd., Suite 200

P.O. Box 650007

Mount Pleasant, South Carolina 29465

Mr. Robert M. Peele, III

Collins & Lacy, P.C.

Attorneys at Law

1330 Lady Street, Sixth Floor

Columbia, South Carolina 29201

RE: Gregory Jones, Sr., as the father and duly appointed Personal Representative of the Estate of Jessica Dawn Jones, Deceased, vs. Cranston Print Works Company d/b/a Cranston Trucking Company, Ryder Truck Rental, Inc., Optimum Staffing, Inc. d/b/a Optimum Logistic Solutions, and Jason E. Burdette - C/A No.: 2019-CP-42-02215

Mark Douglas Hill, III, by and through his duly appointed Guardian ad Litem, Helen Kaci Hill, vs. Cranston Print Works Company d/b/a Cranston Trucking Company, Ryder Systems, Inc., Optimum Staffing, Inc. d/b/a Optimum Logistic Solutions, and Jason E. Burdette
C/A No.: 2019-CP-42-02212

Mr. William T. Young, III
Mr. T. David Rheney
Mr. Geoffrey W. Gibbon
Mr. Zachary S. Brown
Ms. Helen F. Hiser
Mr. Robert M. Peele, III
May 13, 2021
Page 2

Counsel:

During the course of this litigation, defense counsel have found it necessary to file numerous motions limiting discovery. The foregoing is not unusual, nor is the fact that some of those motions were denied in whole or in part. Somehow defense counsel have perceived that at least one of those adverse rulings justifies an interlocutory appeal to the appellate courts. The appellate courts have repeatedly ruled that interlocutory appeals of discovery rulings are not a matter for them to address.

Plaintiffs' counsel have cautioned defense counsel against filing such an appeal and continuing to pursue it when it was initially rejected by the Court of Appeals. Those admonitions were ignored.

The appellate courts recognize that adverse rulings to discovery motions might impact or limit the losing parties' ability to proceed as planned at trial. Nonetheless, the appellate courts believe an appeal of such decisions is only appropriate after the conclusion of a trial on the matter. See *Ex Parte Whetstone*, 289 S.C. 580, 347 S.E.2d 881-2 (1986); See also *Ferguson v. Charleston Lincoln/Mercury Inc.*, 344 S.C. 502, 510, 544 S.E.2d 285, 290 (Ct. App. 2001); *Hamm v. South Carolina Pub. Serv. Comm'n*, 312 S.C. 238, 439 S.E.2d 852 (1994)

When Mr. Young indicated initially that he planned to pursue an interlocutory appeal, he expressed to me that he believed that the Supreme Court somehow was open to reviewing such matters and that he planned to seek *certiorari* from the Supreme Court in the event that he was not successful at the Court of Appeals' level. At that time, I expressed to him a very different view of how the Supreme Court would embrace *certiorari*.

We have asked for sanctions and costs regarding the frivolous continuation of this appeal, however, have not pursued the same at this point. Yesterday's ruling by the Court of Appeals rejecting once again defense counsel's appeal certainly opens the door for sanctions and costs. See SCACR 222; 269.

Mr. William T. Young, III
Mr. T. David Rheney
Mr. Geoffrey W. Gibbon
Mr. Zachary S. Brown
Ms. Helen F. Hiser
Mr. Robert M. Peele, III
May 13, 2021
Page 3

We feel obligated once again at this point to strongly urge you to reconsider any thoughts of filing for *certiorari* with the Supreme Court. In the likely event that *certiorari* is denied, we want you to be assured that we will file for sanctions and costs. The conduct taken by virtue of this appeal by defense counsel has prevented us from moving forward with discovery even though defense counsel are ignoring the clear rule to the contrary. See SCACR 241(a).

Moreover, Plaintiffs' counsel have had to redirect their resources from focusing on the merits of this case to directing significant amounts of time and effort to defending the appeal. Simply stated, justice is not being served by defense counsel's actions.

Finally, I urge defense counsel to reassess their position, and as officers of the Court, we have felt compelled to write this letter demonstrating to the Court that we have made every effort to end this obstructive path during the course of this litigation.

Sincerely,



Patrick E. Knie

PEK:mbg

cc: Mr. W. Blake Cummings
Mr. Alexander P. Lewis
Cummings & Lewis
Attorneys at Law
679 East Main Street
Spartanburg, South Carolina 29302

EXHIBIT C

PATRICK E. KNIE

ATTORNEY AT LAW

A Professional Association

250 Magnolia Street

Spartanburg, S.C. 29306

Telephone No. (864) 582-5118

Fax No.:
(864) 585-1615

Mailing Address:
P.O. Box 5159 (29304)

June 30, 2021

VIA E-MAIL AND REGULAR MAIL

Mr. William T. Young, III
Mr. T. David Rheney
Gallivan White & Boyd, P.A.
Attorneys at Law
One Liberty Square
55 Beattie Place, Suite 1200
Greenville, South Carolina 29601

Mr. Geoffrey W. Gibbon
Mr. Zachary S. Brown
McAngus Goudelocke & Courie, LLC
Attorneys at Law
Post Office Box 2980
Greenville, South Carolina 29602

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RE: Gregory Jones, Sr., as the father and duly appointed Personal Representative of the Estate of Jessica Dawn Jones, Deceased, vs. Cranston Print Works Company d/b/a Cranston Trucking Company, Ryder Truck Rental, Inc., Optimum Staffing, Inc. d/b/a Optimum Logistic Solutions, and Jason E. Burdette - C/A No.: 2019-CP-42-02215

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C/A No.: 2019-CP-42-02212

Mr. William T. Young, III
Mr. T. David Rheney
Mr. Geoffrey W. Gibbon
Mr. Zachary S. Brown
Mr. Robert M. Peele, III
June 30, 2021
Page 2

Gentlemen:

As you are aware, we previously wrote you a letter in the above-entitled matter regarding your continued pursuit of an appeal involving a clearly interlocutory ruling on a discovery issue. In our earlier letter, we cautioned you that continued pursuit of the appeal would likely result in a dismissal based on the state of current case law in the State. To quote our Supreme Court in a 2010 decision:

Our willingness to review a discovery order by way of certiorari will be as rare as the proverbial "hen's tooth." We have no desire to micromanage discovery orders. It is our hope that in resolving this matter, we will speak to trial courts generally. Oncology and Hematology Assoc. of S.C., LLC v. SC. Department of Health and Environmental Control and Spartanburg Regional Healthcare System, d/b/a The Village at Pelham Cancer Center, 387 S.C. @ 388, 692 S.E.2d @ 924.

The language of the Supreme Court in that decision is strikingly strong.

As we mentioned in our May 13, 2021 letter, we have withheld seeking attorneys' fees and sanctions thus far, understanding that the same may be premature because you continuously and ill advisedly have pursued an appeal to the Supreme Court by way of writ of certiorari. Nonetheless, in the event that you are unsuccessful in your efforts, rest assured that we will in fact seek attorneys' fees and sanctions. However, it is our belief that the Supreme Court *sua sponte* will in fact do just that.

Please understand this letter is in no way an effort to threaten or intimidate your absolute right to pursue an appeal, but merely to point out once again that we believe it is totally without merit and clearly contrary to the case law of this State.

Moreover, as we have pointed out in our Return to be filed today, this "problem" for the defense would never have arisen if in fact each Defendant had separate legal counsel at the time the deposition of Mr. Burdette was taken, and

Mr. William T. Young, III
Mr. T. David Rheney
Mr. Geoffrey W. Gibbon
Mr. Zachary S. Brown
Mr. Robert M. Peele, III
June 30, 2021
Page 3

furthermore, at the time that the Requests for Admission were answered on behalf of Mr. Burdette. In our view, the real party of interest has made a significant tactical error in originally choosing to allow one law firm to represent all Defendants. It was abundantly clear even before this litigation commenced that there certainly would be a difference of positions by the various Defendants, and it has clearly been borne out as this litigation has proceeded.

It is our view that the Supreme Court is both serious about its desire to avoid becoming entrenched in interlocutory appeals and is of the mindset that attorneys' fees and sanctions should be used more regularly both by the trial courts of this state and the appellate courts.

In an interesting Order of Chief Justice Beatty dated June 3, 2021 regarding the use of special referees in discovery matters, there was a one sentence statement of significance which should be brought to your attention if in fact you did not see that Order. The Chief Justice stated in part:

We remind the circuit court judges that the seldom-utilized rule for awarding fees and imposing sanctions, SCRCP 37, is available to deter discovery abuses.

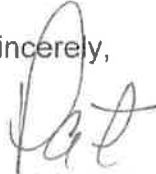
We believe this statement was a clear message to counsel, trial courts, and the Court of Appeals of the Supreme Court's view regarding the use of attorneys' fees and sanctions. The Plaintiffs now find themselves having to spend inordinate resources to defend an ill advised appeal.

Equally as important, we have been thwarted in our attempts to move forward with discovery during the process of the appeal, and despite continuing efforts to depose witnesses of the Defendant Cranston, counsel refuses to provide us dates for those depositions.

In conclusion, it is our continuing hope that defense counsel will reconsider their pursuit of this appeal, and refrain from filing a Reply Brief in the face of adverse case law and the potential for attorney's fees and sanctions. As such, we recommend withdrawing the appeal.

Mr. William T. Young, III
Mr. T. David Rheney
Mr. Geoffrey W. Gibbon
Mr. Zachary S. Brown
Mr. Robert M. Peele, III
June 30, 2021
Page 4

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat', written over the word 'Sincerely,'.

Patrick E. Knie

PEK:mbg

cc: Mr. W. Blake Cummings
Mr. Alexander P. Lewis
Cummings & Lewis
Attorneys at Law
679 East Main Street
Spartanburg, South Carolina 29302

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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The Honorable R. Keith Kelly, Circuit Court Judge

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his Duly appointed Guardian ad Litem, Helen Kaci Hill, Plaintiff.....Respondent,

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Optimum Logistic Solutions, and Jason E. Burdette, Defendants,

Of whom Cranston Print Works Company d/b/a Cranston Trucking
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and

Gregory Jones, Sr., as the Father and Duly Appointed Personal Representative
of the Estate of Jessica Dawn Jones, Deceased, PlaintiffRespondent,

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Truck Rental, Inc., Optimum Staffing, Inc., D/B/A Optimum Logistic Solutions
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Of whom Cranston Print Works Company d/b/a Cranston Trucking
Company, Optimum Staffing, Inc., d/b/a Optimum Logistic
Solutions, and Jason E. Burdette are.....Appellants

PROOF OF SERVICE

I certify that I have served the Respondents' Motion for Attorney Fees and Sanctions and Memorandum in Support of Motion on Cranston Print Works Company d/b/a Cranston Trucking Company, Ryder Truck Rental, Inc., Optimum Staffing, Inc., d/b/a Optimum Logistic Solutions, and Jason E. Burdette, and other counsel of record by emailing a copy of it to the addresses that are on file with the Attorney Information System as set forth as follows:

R. Duke Highfield, Esq.
Brandt Horton, Esq.
YOUNG CLEMENT RIVERS
P.O. Box 993
Charleston, South Carolina 29402
(843) 577-4000
bhorton@ycrlaw.com

Counsel for Defendant Ryder Truck Rental, Inc.

Helen F. Hiser, Esq.
MCANGUS GOUDELOCK & COURIE, LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Helen.hiser@mgclaw.com

Charles O. Williams, Esq.
Zachary Brown, Esq.
MCANGUS GOUDELOCK & COURIE, LLC
P.O. Box 2980
Greenville, South Carolina 29602
(864) 239-4000
cwilliams@mgclaw.com
zachary.brown@mgclaw.com

Counsel for Defendant/Appellant Jason E. Burdette

T. David Rheney, Esq.
GALLIVAN WHITE & BOYD, P.A.
P.O. Box 10589, F.S.
Greenville, South Carolina 29603
(864) 271-9580
drheney@gwblawfirm.com

Counsel for Defendants/Appellants Cranston Print Works Company d/b/a Cranston Trucking Company, and Optimum Staffing, Inc.

Robert M. Peele, III, Esq.
J. Lucas Richardson, Esq.
COLLINS & LACY, P.C.
P.O. Box 12487
Columbia, South Carolina 29211
(803) 256-2660
rpeele@collinsandlacy.com
lrichardson@collinsandlacy.com

*Counsel for Defendants/Appellants Optimum Staffing,
Inc., d/b/a Optimum Logistic Solutions*

CUMMINGS & LEWIS, LLC



Alexander P. Lewis
S.C. Bar Number: 78991
W. Blake Cummings
S.C. Bar Number: 80067
Post Office Box 5766
Spartanburg, SC 29304
Telephone No.: (864) 573-9688
alex.lewis@cummingslewis.com
blake.cummings@cummingslewis.com

AND

Patrick E. Knie, Esq.
PATRICK E, KNIE LAW OFFICES
S.C. Bar Number: 3564
250 Magnolia Street
Spartanburg, South Carolina 29306
(864) 582-5118
pknie@knielaw.com

November 2, 2022
Spartanburg, South Carolina

Counsel for Plaintiffs/Respondents

W. Blake Cummings
Alexander P. Lewis
William V. Cummings, *Of Counsel*



679 East Main Street • Post Office Box 5766
Spartanburg, South Carolina 29304
Phone (864) 573-9688 • Fax: (864) 573-6974

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SC Court of Appeals

November 2, 2022

VIA ELECTRONIC AND U.S. MAIL

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

Re: Mark Douglas Hill, III by and through his Duly appointed Guardian ad Litem Helen Kaci Hill v. Cranston Print Works Company d/b/a Cranston Trucking Company, Ryder Truck Rental, Inc., Optimum Staffing, Inc., d/b/a Optimum Logistic Solutions, and Jason E. Burdette
and
Gregory Jones, Sr., as the father and duly appointed Personal Representative of the Estate of Jessica Dawn Jones v. Cranston Print Works Company d/b/a Cranston Trucking Company, Ryder Systems, Inc., Optimum Staffing, Inc. d/b/a Optimum Logistic Solutions, and Jason E. Burdette
Appellate Case No. 2020-001695

Dear Ms. Kitchings:

Enclosed for filing is the original and one copy of the Respondents' Motion for Attorney Fees and Sanctions and Memorandum in Support of Motion, along with supporting Exhibits and Appellate Form 17s in the above-referenced matter. I am also enclosing an original and one copy of the Proof of Service of Respondents' Motion for Attorney Fees and Sanctions and Memorandum in Support of Motion to all Appellants, and a check in the amount of fifty dollars (\$50.00) representing the appropriate filing fee. These documents are being electronically filed and served upon all Counsel of record electronically.

Please advise if I may be of some further assistance, or if anything else needs to be submitted.

With warmest regards,

Alexander P. Lewis

Encls.

Cc: Patrick E. Knie, Esq. (Via Electronic Mail Only)
Brandt Horton, Esq. (Via Electronic Mail Only)
Charles O. Williams, Esq. (Via Electronic Mail Only)
Zachary S. Brown, Esq. (Via Electronic Mail Only)
Helen F. Hiser, Esq. (Via Electronic Mail Only)
Robert M. Peele, Esq. (Via Electronic Mail Only)
J. Lucas Richardson, Esq. (Via Electronic Mail)
T. David Rheney, Esq. (Via Electronic Mail Only)