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**Mar 06 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS  
EDGAR W DICKSON, CIRCUIT COURT JUDGE

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Appellate Case No. 2022-001070

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Rosen Hagood, LLC, .....Respondent/Appellant,

v.

Albert T. Henson, Jr., .....Appellant/Respondent,

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**APPELLANT/RESPONDENT’S RETURN TO MOTION TO STRIKE PORTION OF  
APPELLANT/RESPONDENT’S DESIGNATION OF MATTER**

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Appellant/Respondent Albert T. Henson, Jr. (hereinafter “Mr. Henson”) submits this Return to Motion to Strike Portion of Appellant/Respondent’s Designation of Matter (hereinafter “DOM”) filed by Respondent/Appellant Rosen Hagood and requests for this Court to accept the filing of his Designation of Matter submitted on January 27, 2023.

The Initial Appellant Brief of Appellant/Respondent refers to five additional pages of Mr. Henson’s deposition that Rosen Hagood argues were not submitted to the Circuit Court. These were duplicative references to information already contained in pages of Mr. Henson’s deposition that were submitted to the Circuit Court. After review of Appellant/Respondent’s DOM, counsel for Mr. Henson agrees that it is not necessary to designate the entire transcript of the Deposition of Albert T. Henson, Jr., and requests to amend the DOM to designate the specific pages of the deposition referenced in Mr. Henson’s Initial Brief of Appellant/Respondent. Those specific pages

of the deposition—24,44,52,54, and 58—contain information that is already in the record and does not prejudice Rosen Hagood in any way. Further, Mr. Henson specifically reserved the right to designate other pages of his deposition in accordance with Rule 32(a)(4) and (5), SCRPC. (DOM for Initial Response Brief of Appellant/Respondent, ¶ 3).

Counsel for Mr. Henson has reviewed all correspondence received from counsel for Rosen Hagood since the filing of Appellant/Respondent’s DOM, and the undersigned is unaware of any attempt to consult from Rosen Hagood prior to the filing of its Motion to Strike.

Wherefore, Mr. Henson respectfully requests for this Court to deny Respondent/Appellant’s Motion to Strike Portion of Appellant/Respondent’s DOM. Alternatively, Mr. Henson respectfully requests that this Court allow him to amend the DOM to designate the specific pages of the deposition transcript as opposed to the entire transcript.

Respectfully submitted,

s/ Haley Hubbard  
Desa Ballard (S.C. Bar No. 498)  
Harvey M. Watson III (S.C. Bar No. 74053)  
Haley Hubbard (S.C. Bar No. 103195)

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COUNSEL FOR APPELLANT/RESPONDENT  
ALBERT T. HENSON JR.

March 6, 2023

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Appellate Case No. 2022-001070

Rosen Hagood, LLC, ..... Respondent/Appellant,

v.

Albert T. Henson, Jr., ..... Appellant/Respondent,

**PROOF OF SERVICE**

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on March 6, 2023, I served a copy of the **Appellant/Respondent's Return to Motion to Strike** in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

**F. Truett Nettles II, Esquire**  
**Rosen Hagood LLC**  
**tnettles@rosenhagood.com**



Beth Cogan, Paralegal

March 6, 2023  
West Columbia, South Carolina

## Beth Cogan

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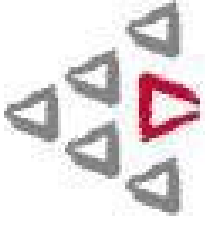
**From:** Beth Cogan  
**Sent:** Monday, March 6, 2023 2:48 PM  
**To:** F. Truett Nettles II  
**Cc:** Haley Hubbard; Desa Ballard  
**Subject:** (Rosen Hagood LLC v Albert T. Henson, Jr. App. Case No. 2022-001070) Ltr to COA encl Return to Motion to Strike  
**Attachments:** 2023 03 06 Ltr to COA encl Return to Motion to Strike.pdf; 2023 03 06 Return to Respondent Appellant Motion to Strike.pdf; 2023 03 06 POS Return to Motion to Strike.pdf

Good afternoon,

Attached is the Return to Motion to Strike for the above-referenced matter that is being filed today with the Court of Appeals.

Kindest Regards,  
-Beth

Beth Cogan, Paralegal  
Ballard & Watson, Attorneys at Law  
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**Ballard & Watson**  
**Attorneys at Law**

**PERSISTENT. UNWAVERING.**

**Desa Ballard**  
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**Haley Hubbard**

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March 6, 2023

*Via Email* ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org))  
The Honorable Jenny Abbot Kitchings  
Court of Appeals Clerk of Court  
Post Office Box 11629  
Columbia, South Carolina 29211

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**Mar 06 2023**

**SC Court of Appeals**

Re: *Rosen Hagood, LLC v. Albert T. Henson, Jr.*  
Appellate Case No.: 2022-001070

Dear Ms. Kitchings:

Please find enclosed for filing the **Appellant/Respondent's Return to Motion Strike** in the above-referenced matter. By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Respondent/Appellant.

Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office. With warm personal regards, I am,

Sincerely yours,

*Haley A. Hubbard*

Haley Hubbard  
[haley@desaballard.com](mailto:haley@desaballard.com)

Enclosures

cc: *Via Email*  
F. Truett Nettles II, Esquire  
Al Henson