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**Nov 15 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Court Judge

Appellate Case No. 2023-001211

Case No. 2021-CP-02-00889

Julianne Foster, ..... Plaintiff,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises,  
LLC of South Carolina, and Airbnb, Inc., ..... Defendants,

Of which

Rhett Riviere is the ..... Appellant,

AND

And Airbnb, Inc., is the ..... Respondent,

v.

Rhett Riviere, ..... Appellant.

**PLAINTIFF JULIANNE FOSTER’S REPLY TO AIRBNB’S RETURN  
TO PLAINTIFF’S MOTION TO INTERVENE**

Plaintiff Julianne Foster (“Plaintiff”) is not a proper respondent in the appeal of the circuit court order denying Rivière’s motion to compel arbitration of Airbnb’s third-party claims. Plaintiff does not have standing to object to whether Respondent Airbnb, Inc. (“Airbnb”) and Appellant Rhett Riviere (“Riviere”) arbitrate Airbnb’s third-party indemnification claims against Riviere. However, Plaintiff has a significant interest in this appeal. The circuit court has stayed the entire action below pending the resolution of this frivolous appeal which indisputably lacks a justiciable controversy. Thus, Plaintiff moved to intervene. In her Motion to Intervene, Plaintiff raised the fact that this appeal lacks a justifiable controversy because Riviere and Airbnb both agree that Airbnb’s third-party claims against Riviere should be arbitrated. (Motion to Intervene at 3). In its Return, Airbnb does not address the merits of Plaintiff’s Motion to Intervene. Instead, it states that it does not oppose the Court adding Plaintiff as a Respondent.

To the extent Respondent Airbnb is attempting to create a justiciable controversy between the parties on appeal when there is none and further delay a resolution of this appeal, Plaintiff objects to being added as a respondent. Importantly, in its Return, Airbnb did not express any opposition to Plaintiff’s Motion to Intervene and Appellant Riviere did not file any response. Therefore, Plaintiff requests that her Motion to Intervene be granted.

Respectfully submitted,

/s/ Deborah B. Barbier  
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Attorneys for Plaintiff Julianne Foster

November 15, 2023  
Columbia, South Carolina

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Of which

Rhett Riviere, is the ..... Appellant,

AND

Airbnb, Inc., ..... Respondent,

v.

Rhett Riviere, ..... Appellant.

/s/ Deborah B. Barbier  
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**PROOF OF SERVICE**

The undersigned hereby certifies that on November 15, 2023, **Julianne Foster’s Reply to Airbnb’s Return to Plaintiff’s Motion to Intervene** served on all counsel of record and the Court of Appeals Clerk of Court via Email as follows:

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

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/s/Cassy Young  
Cassy Young

November 15, 2023  
Columbia, South Carolina

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**Via Email-Filing:**

The Hon. Jenny Abbott Kitchings, Clerk of Court

South Carolina Court of Appeals

P.O. Box 11629

Columbia, South Carolina 29211

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**RE:** Rhett Riviere (Appellant) v. Airbnb Inc. (Respondent)

Appellate Case No.: 2023-001211

Case No. 2021-CP-02-00889

Our File No.: 00305-001

Dear Ms. Kitchings:

Enclosed for filing is Julianne Foster's Reply to Airbnb's Return to Plaintiff's Motion to Intervene and Proof of Service for same.

Sincerely Yours,



Wesley D. Few

Enclosures

WDF/cgy

CC: All Counsel of Record (*Via Email*)

Client (*Via Email*)