IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Robin R. Stillwell, Judge

Case No. 2011-204086

Deena L. Bettencourt and Scott Bettencourt, ...Appellants,

v.

Mary R. Wald, ...Respondent.

FINAL BRIEF OF RESPONDENT

Marcus K. McGarr, P.A.
108 Whitsett Street
Greenville, SC 29601
(864) 298-0089
(864) 235-0503 (facsimile)
Counsel for Respondent

TABLE OF CONTENTS

ARGUMENT

TABLE OF AUTHORITIES

Statutes and Rules

STATEMENT OF ISSUES ON APPEAL

1. Did the Trial Court err in denying the Plaintiffs' request for attorneys' fees and expenses pursuant to Rules 36 and 37 of the *South Carolina Rules of Civil Procedure*?

2. Did the Trial Court err in finding attorneys' fees and costs patently unreasonable?

3. Should the decision of the Trial Court be modified or reversed to increase the award for attorneys' fees and expenses, as requested by the plaintiffs, pursuant to Rules 36 and 37?

STATEMENT OF THE CASE

This matter comes before the Court by way of a Summons and Complaint filed by the Plaintiffs on March 18, 2010. That Summons and Complaint sought damages and stated that the automobile accident which gives rise to this lawsuit has caused, or will cause, Plaintiff Deena L. Bettencourt to sustain the following: injuries to her psyche which will cause her to incur continued medical expenses; physical impairment; decreased earnings and earning capacity; and, great mental pain, anguish, and suffering (R. pp. 15-17). The Plaintiff Deena L. Bettencourt's husband, Scott Bettencourt, brought a loss of consortium suit as a result of the of these alleged injuries and/or impairments to Deena L. Bettencourt (R. pp. 15-17). The automobile accident that is the subject of this matter occurred on September 4, 2008. On March 30, 2010, the defendant filed an Answer which stated that she caused the accident; however, the defendant denied the allegation that she caused injuries to the plaintiff, as she felt that those injuries may have either been preexisting in nature, or nonexistent (Supp. R. pp. 1-5).

At some point in July of 2010, the Plaintiffs served National Union Fire Insurance Company and American Home Assurance Company, as putative undersigned carriers. On or about August 3, 2010, those carriers answered the Complaint (R. pp. 18-23).

On or about July 27, 2010, the Plaintiffs submitted Supplemental Answers to Interrogatories, wherein they indicated that Ms. Bettencourt's permanent brain injury required, or would require, an amount in excess of 2.5 million dollars to remedy (R. pp. 780-781). On or about August 17, 2010, the defendant responded to seven of the plaintiffs' Requests to Admit. In so doing, the defendant denied the following:

1. That the plaintiff suffered an injury as a result of this accident;

2. That the plaintiff experienced pain and suffering as a result of this accident;

3. That the plaintiff incurred medical expenses as a result of injuries sustained in this motor vehicle accident;

4. That the plaintiff incurred expenses in the amount of $2,015.00 at a chiropractor's office as a result of this accident;

5. That the plaintiff incurred expenses in the amount of $5,104.25 as a result of various imaging studies done as a result of this accident;

6. That the plaintiff suffered a traumatic brain injury as a result of this accident (emphasis added); and,

7. That the plaintiff had, at that date, incurred no less that $13,000.00 in medical expenses as a result of this automobile accident (R. pp. 27-28).

On or about January 19, 2011, the defendant submitted a Request to Admit and a Request to Admit Authenticity of Documents and Other Papers. The documents contained in that package were sent so as to allow the parties to agree that the copies of Plaintiff Deena L. Bettencourt's medical reports were genuine, and that the records were kept in the ordinary course and scope of business of the entities which created those documents.

On or about April 4, 2011, the defendant submitted an Offer of Judgement to the Plaintiffs in the amount of $15,000.00 (R. p. 26). That Offer of Judgement was in excess of the medical expenses that the Plaintiff Deena L. Bettencourt had incurred, at that point.

On or about April 18, 2011, the Court issued an order stating that the defendant was negligent in causing the automobile accident. However, the Order did not state that the defendant was liable for any injuries suffered by the plaintiff (R. p. 14).

Thereafter, the matter was tried before the Court, beginning on September 12, 2011, and concluding on September 15, 2011. During the trial of the matter, the plaintiff stated that $14,287.85 in medical expenses had been incurred, to that date. However, the plaintiff submitted additional expenses, including future medical expenses, in the amount of $6,149.10 (R. pp. 777-779). Additionally, the plaintiff testified that she had completed a large portion of her "future medical treatment," but had not completed all of the same. In other words, she testified that approximately $2,000.00 in "future medical expenses" had already been incurred (R. p. 363, line 15-365, line 20). In essence, she testified that she had incurred approximately $16,500.00 in medical expenses, to that date (R. p. 5).

In closing, Plaintiffs' Counsel requested that the jury pay $20,436.95, to satisfy Ms. Bettencourt's present and future medical expenses. Plaintiffs' Counsel then asked the jury to award $89,139.00 to the plaintiffs, so as to provide for Ms. Bettencourt's future lost wages. Last, Plaintiffs' Counsel implored the jury to award $164,189.00 to the plaintiffs, so as to compensate for the cost of the services that would be needed as a result of an alleged twenty percent impairment to Ms. Bettencourt's brain. More concisely, Plaintiffs' Counsel requested that the jury grant the plaintiffs a verdict in excess of $273,764.95 (Supp. R. p. 6-15, line 7). Ultimately, the jury returned a verdict for the plaintiffs in the amount of $16,500.00, which essentially reflected Plaintiff Deena L. Bettencourt's medical expenses, at that date (R. p. 1 and R. p. 5). It is important to note that the plaintiffs moved for a new trial after the jury's verdict was stated. This motion was denied by the Court (Supp. R. p. 18, line 11-19, line 20). Furthermore, no appeal was ever filed with regard to the sufficiency of the jury's verdict.

On the other hand, shortly thereafter, the plaintiffs moved for attorneys' fees and costs

pursuant to Rule 37(c) of the *SCRCP*. Those fees and costs amounted to $146,546.21 (R. pp. 29-47). In response, the defendant conceded that attorneys' fees and costs in the amount of $2,141.00 might be appropriate (R. pp. 48-51). The Court then awarded $4,109.00 in attorneys' fees; $2,141.00 in costs, which were conceded; and, $185.00 for the costs associated with filing and service of the matter (R. pp. 5-6). Thereafter, the plaintiffs moved to have this matter reconsidered (R. pp. 52-54). The Court responded by issuing an Order which stated, "The Plaintiffs' Motion for Reconsideration is respectfully DENIED. The Court makes the factual finding that the fees awarded were reasonable and, those that were not, were patently unreasonable" (R. p. 7). Thereafter, the plaintiffs appealed the decision of the Court, with regard to attorneys' fees and costs.

The plaintiffs were represented at the trial of this matter by Robert C. Childs, III, Esq., and Robert C. Ray, Esq. They are now joined on appeal by Jay Faulkner Wilkes, Esq. The defendant was represented by Marcus K. McGarr, Esq., who continues on appeal, on behalf of the defendant.

STATEMENT OF THE FACTS

This case arises as a result of an automobile accident which took place on September 4, 2008. The accident resulted in very little damage to the rear of the plaintiff's vehicle (R. pp. 782-788). It was conceded in the Answer and, ultimately, a Court Order, that the defendant was at fault in causing the accident (Supp. R. p. 3 and R. p. 14). However, the real issue at hand is Plaintiff Deena L. Bettencourt's claim that she suffered a twenty percent permanent impairment to her brain as a result of this accident. In fact, approximately ninety percent of the trial testimony presented by the plaintiffs was intended to prove the existence of this twenty percent impairment to Ms. Bettencourt's brain (R. p. 16; R. pp. 94-545, line 23; R. p. 714, line 11-716, line 11; R. p. 556, line 16-597, line 13; and, R. p. 604, line 16-695, line 22). This allegation was denied by the defendant (R. p. 28). Of equal importance, the jury's verdict in the amount of $16,500.00 conclusively proves that the jury agreed with the defendant's assertion that the plaintiff suffered no permanent injury to her brain because of this accident (R. p. 13). Furthermore, as previously stated, the plaintiffs did not appeal the jury's verdict. However, the plaintiffs did request attorneys' fees and costs (R. pp. 29-47). The plaintiffs then appealed an Order of the Court wherein the Court determined that the plaintiffs were only entitled to $4,109.00 in attorneys' fees; $2,141.00 in conceded costs; and, $185.00 in filing fees and service costs (R. pp. 1-2). In fact, the Court specifically found that any attorneys' fees and/or costs in excess of the above-stated amounts were patently unreasonable (R. p. 7).

Again, the plaintiffs' entire case hinged upon the fact that the plaintiff allegedly sustained a permanent and debilitating brain injury as a result of the automobile accident. Indeed, the plaintiffs called twelve (12) witnesses in an effort to validate that assertion. For example, the

accident's investigating police officer was called to testify, in spite of the fact that the defendant admitted, in her Answer, that her negligence caused the accident (Supp. R. p. 3). In fact, a Court Order had been issued granting summary judgement on just that issue (R. p. 14). The investigating officer then testified that the defendant's vehicle had to be towed from the scene (R. p. 108, lines 2-6). This testimony was intended to give the jury the impression that the automobile accident was very severe.

The plaintiffs then read portions of Defendant Wald's deposition testimony to the jury. That was largely done so as to advise the jury that Defendant Wald's air bag deployed in the accident (R. p. 123, lines 13-18); and, that Defendant Wald had to have her radiator, front bumper, and fender replaced as a result of the accident (R. p. 126, lines 13-22). As previously stated, there was no issue with regard to whether or not Ms. Wald caused the accident. That issue had been agreed upon via previously filed pleadings and Court Order. In essence, Ms. Wald's testimony was utilized so as to give credence to the allegation that Ms. Bettencourt had suffered a permanent head injury.

The plaintiffs then called Kim McFall to testify. Ms. McFall, who is a school friend of Ms. Bettencourt, testified that the impact was significant enough to knock the plaintiff's vehicle forward. She then stated that when she saw Ms. Bettencourt after the accident, Ms. Bettencourt appeared to be processing slowly (R. p. 144, lines 13-22). Again, this testimony was presented for the sole purpose of bolstering the allegation that Ms. Bettencourt had sustained a permanent brain injury.

The plaintiffs' next witness was chiropractor Michael Shride. Chiropractor Shride testified, in part, with regard to Ms. Bettencourt having head and neck pain following the

accident (R. p. 710, lines 12-25). He also testified that Ms. Bettencourt had been a patient of his in the past, and that she had always appeared to be a very focused and driven individual. He then stated that after the automobile accident, she appeared to be foggy and confused. In fact, he felt that he had actually noticed her having trouble keeping track of her daily tasks and activities (R. p. 714, lines 11-716, line 11). Again, his testimony was designed to prove that Ms. Bettencourt went to his office with a head injury, and, furthermore, that he actually saw the aftermath of that permanent head injury.

The plaintiffs then called Ashley Sharmek. Ms. Bettencourt's friend, Ms. Sharmek, testified that prior to the accident, Ms. Bettencourt had been exceptionally skilled with regard to multitasking and organization. She further stated that Ms. Bettencourt had been her "right-hand man" while she was redesigning the interior of her home. It was of note that all of this high-level activity had occurred before the accident. Furthermore, Ms. Sharmek went on to state that after the accident Ms. Bettencourt appeared to be foggy, and simply not as sharp as she had been prior to the accident (R. p. 160, line 18-163, line 24). Again, Ms. Sharmek's testimony was completely designed to describe the permanent head injury allegedly suffered by Ms. Bettencourt.

The plaintiffs' next witness was Dr. Randel Jones, a clinical psychologist. He testified, to a reasonable degree of medical certainty, that Ms. Bettencourt had sustained a brain injury (R. p. 190, line 7-191, line 25). As is apparent, Dr. Jones's testimony was entirely related to an alleged permanent brain injury.

The plaintiffs then called Nurse Practitioner Kathy Benson as a witness. This testimony was intended to allow Nurse Practitioner Benson to attempt to convince the jury that Ms. Bettencourt had suffered from a coup-contrecoup injury to her brain. She went on to state that

Ms. Bettencourt suffered the from the following symptoms: nausea; buzzing in her ears; extremely uncharacteristic fatigue; and, mental fogginess. She went on to state that Ms. Bettencourt was anxious and sad, but otherwise stable. Furthermore, Ms. Benson stated that Ms. Bettencourt was highly distractable, excessively worried, and irritable. She also testified that Ms. Bettencourt had suffered from a concussion, but had not suffered a loss of consciousness associated with the same. She testified that she came to this conclusion after seeing Ms. Bettencourt on a number of visits (R. p. 561, line 7-576, line 18). Again, Nurse Practitioner Benson's testimony was designed to give the jury the impression that Ms. Bettencourt had suffered from a permanent brain injury.

The plaintiffs' next witness was neurologist Kent Kistler. Dr. Kistler testified that, after his examination, Ms. Bettencourt's symptoms were compatible with a post-concussion syndrome, which was a conciliation of syndromes that follow head injuries or head concussions. He went on to explain that post-concussion syndrome simply means that someone suffered an acute injury to his or her brain, wherein that injury caused symptoms such as depression, headaches, dizziness, difficulty concentrating, and other similar cognitive issues. He went on to state that he had diagnosed Ms. Bettencourt with a mild brain injury (R. p. 606, line 7-622, line 18). Again, neurologist Kistler was called solely to testify as to the existence of Ms. Bettencourt's alleged brain injury.

The plaintiffs then called Cecil Huey, a mechanical engineer from Clemson University. Mr. Huey was called so as to tell the jury that Ms. Bettencourt could have suffered from as much as 130 pounds of force to her head as a result of the automobile accident in question (R. p. 237, line 4-19). Again, this testimony was totally designed to establish a mechanism for Ms.

Bettencourt's alleged permanent brain injury.

The plaintiffs' next witness was Judith Waite, Ms. Bettencourt's mother. Ms. Waite testified that her daughter's multitasking abilities far exceeded her own. She stated that this extraordinary proclivity for multitasking was present prior to the accident. However, Ms. Waite's post-accident observations of Ms. Bettencourt indicated that Ms. Bettencourt had developed an inability to finish her thoughts and sentences, complete tasks, and do simple tasks while talking (R. pp. 248-254). Again, this testimony was totally designed to make the jury believe that Ms. Bettencourt's mother had noticed appreciable symptoms of a permanent, closed-head injury.

The plaintiffs then called Scott Bettencourt, co-plaintiff and husband of Ms. Bettencourt. He testified with regard to his wife's life from the time he met her, until the time of the accident. In essence, he told the jury that prior to the accident, Ms. Bettencourt had been able to manage the following: full time employment, meal preparation, household maintenance, childcare and transportation, and classroom volunteer work. In other words, he described an individual who was somewhat of an overachiever. He went on to state that after the accident, Ms. Bettencourt began suffering from the following: memory lapses, including forgetting to pick up their children; difficulty multitasking; difficulty retrieving words; trouble processing information; fatigue; and, difficulty managing her time (R. p. 266, line 5-279, line 19). Yet again, Mr. Bettencourt's testimony was almost exclusively associated with information that would have given the jury the impression that Ms. Bettencourt had sustained a permanent brain injury.

The plaintiffs then called Ms. Bettencourt to testify. Ms. Bettencourt proceeded to tell the jury that her post-accident mental capacity was terribly diminished in comparison to her pre-accident mental capacity (R. p. 332, line 5-358, line 8). Again, her testimony was almost

completely focused on proving a permanent head injury.

The plaintiffs' next witness was Dr. Philip Swicewood, an economist and professor of finance at Wofford College. He testified based upon the assumption that Ms. Bettencourt had suffered a twenty percent permanent impairment to her brain. As a result of that alleged impairment, he told the jury that Ms. Bettencourt would incur the two sizable financial losses. The first of these would be with regard to the loss of future income in the amount of $89,139.00. The other projected loss was with regard to an alleged inability to engage in normal household activities, for the remainder of her life, which would require $164,189.00 to rectify. Again, this gentleman's testimony was totally based upon the fact that Ms. Bettencourt had suffered a twenty percent impairment to her brain, which would have caused the economic damages discussed (R. pp. 469-475, line 12). His testimony dealt with nothing else.

The plaintiffs last called a doctor of psychology named Robert E. Brabham. Mr. Brabham went through all of the experts' testimonies, wherein he indicated his agreement to the fact that Ms. Bettencourt had suffered somewhere between a nineteen and twenty-nine percent impairment to her brain as a result of the automobile accident. He also agreed that this impairment would have caused her to suffer from the symptoms previously described by the other experts (R. p. 485, line 16-514, line 11). In other words, Dr. Brabham's testimony was related to confirming a permanent brain injury, and nothing else.

In closing, Plaintiffs' Counsel spent ninety percent of his time reiterating information related to Ms. Bettencourt's permanent head injury, and the debilitation that the same created. Indeed, he again made reference to the $20,436.00 in past and future medical expenses that Ms. Bettencourt would incur as a result of her head injury. He then discussed the $89,139.00 in lost

future income that she would suffer. Last, he mentioned the alleged $164,189.00 that would occur as a result of lost household services. In essence, he told the jury that Ms. Bettencourt's head injury would ultimately cost her no less than $273,764.00 (Supp. R. p. 6-15, line 23). Again, an overwhelming majority of this closing argument was associated with Ms. Bettencourt's head injury, and the cost it would take to repair the same.

On the other hand, the facts associated with why Ms. Bettencourt would not have had a closed-head injury, in so far as this case is concerned, are almost irrelevant. Please recognize that the jury awarded a verdict of $16,500.00, which, as the Court noted, essentially amounts to the medical expenses that Ms. Bettencourt had incurred to that date (R. p. 5). The verdict did not encompass future medical expenses, future lost wages, or loss of household services, past or future.

However, to briefly give the Court some idea as to why the jury rendered its verdict, and why that verdict was not appealed, this counsel feels compelled to bring up the following issues:

1. The evidence associated with the fact that Ms. Bettencourt had suffered from numerous concussions prior to the automobile accident (R. pp. 730-735, line 23);

2. The photographs of Ms. Bettencourt's vehicle after the accident, which reveal very little damage (R. pp. 782-788);

3. Ms. Bettencourt's numerous normal brain studies (R. pp. 624-629, line 6);

4. Ms. Bettencourt's false statement to her doctor wherein she claimed that she had lost her sense of smell (R. p. 616, line 3-617, line 16; R. p. 341, line 15-342, line 11 vs. R. p. 277, lines 9-18);

5. Ms. Bettencourt's post-accident conduct wherein she continued to be active in her

children's school and sports activities (R. p. 451, line 15-452, line 19); and,

6. The fact that Ms. Bettencourt was feeling well enough to host an interactive tour of her home wherein she simultaneously prepared and cooked vegetables, served food, lectured about food preparation and gardening, answered questions, and, ultimately, conducted a tour of her gardens. Indeed, that lecture revealed Ms. Bettencourt exhibiting every attribute of a person abundantly capable of high level multitasking, and none of the attributes associated with a person suffering from a permanent brain injury (Courts Exhibit 4; R. p. 296, line 6-298, line 24; R. p. 403, line 13-404, line 19).

ARGUMENT

The appellants have been more than adequately compensated in attorneys' fees and expenses associated with the portion of the case that they actually proved. Please remember that the defendant denied that the plaintiff, and, vicariously, her husband, suffered from the ill effects of a permanent brain injury. This denial was made at a time wherein the plaintiffs were requesting $2,598,672.10 in expenses associated with an alleged permanent brain injury. This denial was also made at a time wherein it was apparent that Ms. Bettencourt had claimed no loss of consciousness at the scene of the accident, had numerous normal imaging studies of her brain, and was clearly multitasking by taking her children to school, volunteering at their schools, and acting as a soccer mom. The denial was also made with the understanding that any incidental findings, upon neurological examination, could easily have been a result of the preexisting concussions suffered by Ms. Bettencourt.

Rule 37(c) of the *SCRCP* states, in pertinent part:

> If the party fails admit the truth of any matter as requested under Rule 36, and if the party requesting the admissions thereafter proves the truth of the matter, he may apply to the Court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The Court shall make the order unless it finds that: 3) the party failing to admit had reasonable ground to believe he might prevail on the matter; or, 4) there was other good reason for the failure to admit.

The language of Rule 37 is not mandatory. In fact, the rule specifically states that the Court shall make the order **unless** an exception as stated above exists.

Please note that the majority of Plaintiffs' Counsel time was spent accruing information by talking to and/or subpoenaing individuals whose sole, or almost sole, purpose for testifying was to attempt to convince a jury that Ms. Bettencourt had suffered a permanent brain injury. It is equally important to notice how much duplicative time was spent by Plaintiffs' Counsel in

conducting the same activities. In essence, a huge amount of time was spent gathering records, prepping witnesses, deposing witnesses, and subpoenaing witnesses to testify as to a permanent brain injury. Again, defense counsel failed to admit to a permanent head injury because he had reasonable grounds to believe he might prevail in this matter. In fact, he did. The jury simply paid the bills Ms. Bettencourt had incurred to date and ignored any future medical bills associated with a brain injury, as well as any future lost wages or lost household services associated with the same. It is for that reason that the judge who heard this case, in its entirety, concluded that the fees awarded were reasonable, and those that were not were patently unreasonable.

It is also important to note, as an additional grounds to sustain the lower Court's decision, that Rule 37 has a fourth exception in that attorney's fees are not to be awarded if there were other good reasons for failure to admit. The other good reason for the failure to admit arises from the fact that an enormous amount of duplicative time was spent dealing with issues that had nothing to do with the case between Ms. Wald and the Bettencourts, yet had everything to do with a case involving the alleged underinsured coverage through National Union Fire and American Home Assurance. An equally astounding amount of duplicative time was spent dealing with an order granting summary judgement on an issue that had already been decided, with that issue being the fact that Ms. Wald's negligence caused the automobile accident. One must then review the attorney's affidavit, and question the need to spend so much time arguing over the Defendant's Request to Admit. That Request to Admit was designed so as to eliminate the need for records custodians to appear at the trial of this matter, by virtue of having the parties simply agree as to the genuineness of documents that were apparently genuine, and to concede that those

documents were kept in the ordinary course and scope of the entities or businesses which created the same.

Spending time on an issue associated with a Federal Court case as to whether or not an insurance policy provided additional underinsured coverage had nothing to do with the Request to Admit submitted by the undersigned counsel. Spending time on orders stating that Ms. Wald was negligent, after Ms. Wald had conceded negligence in her pleadings, had nothing to do with the Request to Admit. Arguing over the genuineness of documents related to the plaintiff's medical treatment, again, had nothing to do with the Request to Admit. Searching Ms. Wald's phone records had nothing to do with the Defendant's Request to Admit. In fact, duplicating these efforts, time and time again, would seem to be intentionally designed to run up unreasonable and unnecessary attorneys' fees and costs.

It is for all these reasons that the Trial Court refused to award additional attorneys' fees and costs. It is also important to note that the Trial Court that heard this entire matter, reviewed the evidence, reviewed all four exceptions set fourth in Rule 37, and subsequently issued an Order stating that "The Plaintiffs' Motion for Reconsideration (with regard to the award of attorneys' fees and costs) is respectfully DENIED. The Court makes the factual findings that the fees awarded were reasonable and those that were not were **patently unreasonable**" (emphasis added).

The Trial Court simply did not err in its finding.

CONCLUSION

Based upon the foregoing, the decision of the lower Court should be affirmed.

July 16, 2013

Respectfully submitted,

Marcus K. McGArr
Marcus K. McGarr, P.A.
108 Whitsett Street
Greenville, SC 29601
Telephone: (864) 298-0089
Facsimile: (864) 235-0503
Counsel for Respondent

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Robin R. Stillwell, Judge

Case No. 2011-204086

Deena L. Bettencourt and Scott Bettencourt, ...Appellants,

v.

Mary R. Wald, ...Respondent.

CERTIFICATE OF COUNSEL

The undersigned certified that this Final Brief complies with Rule 211(b), SCACR.

July 16, 2013

Marcus K. McGarr. P.A.
108 Whitsett Street
Greenville, SC 29601
(864) 298-0089
(864) 235-0503 (facsimile)
Counsel for Respondent

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Robin R. Stillwell, Judge

Case No. 2011-204086

Deena L. Bettencourt and Scott Bettencourt, ...Appellant,

v.

Mary R. Wald, ...Respondent.

CERTIFICATE OF SERVICE

I certify that on the 19th day of July, 2013, I served the Final Brief of the Respondent; Certificate of Counsel; and, accompanying Certificate of Service by placing a copy of the same in the United States Mail, first class postage prepaid, addressed to counsel fo record and others indicated below:

J. Falkner Wilkes, Esq.
114 Whitsett Street
Greenville, SC 29601

Robert C. Childs, III, Esq.
The Childs Law Firm
2100 Poinsett Highway, Ste. D
Greenville, SC 29609

Robert C. Ray, Esq.
Robert C. Ray and Associates
306 Mills Avenue, Suite A
Greenville, SC 29605

Marcus K. McGarr, Esq.
MARCUS K. MCGARR, P.A.
S.C. Bar No.: 011885
108 Whitsett Street
Greenville, S.C. 29601
Telephone: (864) 298-0089
Facsimile: (864) 235-0503
Counsel for Respondent

Greenville, South Carolina
July 19, 2013