

RECEIVED

Jun 03 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
In the Court of Common Pleas

The Honorable Heath P. Taylor, Circuit Court Judge

Appellate Case No. 2023-000600

Yonderfield, LLC,

Respondent,

v.

RI, Inc. And Seating Services, LLC;
Scott Suprina; and John Doe, Shareholders,
Defendants,

Of whom Scott Suprina is the

Appellant.

FINAL REPLY BRIEF OF THE APPELLANT

Christopher D. Kennedy, S.C. Bar #79072
KENNEDY & BRANNON, LLC
Post Office Box 3254
Spartanburg, SC 29304
Telephone: 864-707-2020
FAX: 864-707-2030
Attorney(s) for Appellant

REPLY TO RESPONDENT'S FINAL BRIEF

1. As to Respondent's claim of lack of issue preservation as to Appellant's State of Issues on Appeal III. and IV., the Appellant did not fail to preserve the issues.

The Respondent alleges that the issue of whether the judgment was improperly entered against the Defendants and that the sale of the Defendant's company being considered by the jury over objection of the Appellant were not preserved for appellant review. The Appellant, Scott Suprina, was permitted by the Circuit Court at a motion hearing to be added to the Amended Complaint over the objection of defense Counsel. While there may have been a stipulation as to the why he is named personally as a party in the action, that potential fact does not assert that the Appellant agreed that the judgement was to be entered against him should a verdict be rendered in favor of the Plaintiff. The Appellant objected to being added as a Party to the action, but an order was entered by the Circuit Court in favor of the Plaintiff as is discussed in the Respondent's Initial Brief. Therein, the Appellant preserved the issue for appellate review.

Moreover, there was no testimony that the corporate veil was ever pierced under the single business enterprise theory. There were no specific pleadings filed that the veil should be pierced to potentially get to the personal assets of the Appellant. The jury found that there was a contract, and that the Respondent breached the contract. The contract was never personally guaranteed by the Appellant and was between his company and the Respondent, not the Appellant and Respondent.

Counsel for the Appellant properly objected to the question of the value of the sale of the company. Counsel objected as the question was being asked once it was apparent what the question was due to its prejudicial nature against the Appellant and relevancy of the question. The mere fact that the Appellant would have sufficient funds to pay a judgment is not relevant to the

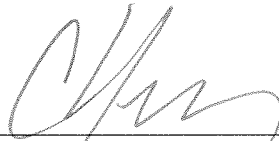
causes of action relative to this case. Again, the jury found that there was a contract and that the Respondent breached the contract but yet converted funds paid pursuant to the contract the Respondent breached. The jury awarded the exact amount of funds that the Respondent, who breached the contract, paid to the Defendant pursuant to the contract. It is the Appellant's position that the sale price of his company was highly prejudicial and not relevant to the issues submitted to the jury.

CONCLUSION

The Appellant further relies on his Initial Brief to support his reply to the Respondent's Final Brief.

Respectfully submitted,

June 3, 2024



Christopher D. Kennedy (SC Bar 79072)
N. Douglas Brannon (SC Bar No. 68798)
104 North Daniel Morgan Avenue (29306)
Post Office Box 3254
Spartanburg, South Carolina (29304)
Phone: (864) 707-2020
Fax: (864) 707-2030
Attorneys for the Appellant

RECEIVED

Jun 03 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
In the Court of Common Pleas

The Honorable Heath P. Taylor, Circuit Court Judge

Appellate Case No. 2023-000600

Yonderfield, LLC,

Respondent,

v.

RI, Inc. And Seating Services, LLC;
Scott Suprina; and John Doe, Shareholders,
Defendants,

Of whom Scott Suprina is the

Appellant.

PROOF OF SERVICE

I hereby certify that I have served a copy of the Appellant's Final Reply Brief on the
below persons on this 3rd day of June 2024.

Skyler B. Hutto
Williams & Williams
1281 Russell St.
Orangeburg, South Carolina 29115
Phone: 803-534-5218
Email: skyler@williamsattys.com
Counsel for Respondent

[SIGNATURE LINE ON FOLLOWING PAGE]



Christopher D. Kennedy, S.C. Bar #79072

KENNEDY & BRANNON, LLC

Post Office Box 3254

Spartanburg, SC 29304

Telephone: 864-707-2020

FAX: 864-707-2030

Attorney(s) for Appellant