

**RECEIVED**

**Feb 05 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

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Case No. 2016-CP-07-2541  
Appellate Case No. 2022-000231

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Forum Benefits, LLC, Appellant,

v.

Brian Bannon and Assured Partners, NL, Respondents.

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**APPELLANT'S RETURN  
TO  
RESPONDENTS' MOTION TO AMEND RECORD ON APPEAL**

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Appellant respectfully opposes Respondents' Motion to Amend the Record on Appeal, submitting this Return pursuant to Rule 240(e), SCACR.

Respondents' motion should be denied, for at least the following reasons:

1. The Record on Appeal was fully complete, as designated by the parties. Respondents seek to add pages 603-609 of the trial transcript, but those pages were not designated by the parties. See Attachments 1, 2, and 3.

2. The motion comes too late. This appeal began in February, 2022. The Court rendered its decision, *per curiam*, in December, 2024. During the intervening three years, Respondents raised no issue regarding the contents of the Record on Appeal, despite ample opportunity to do so.

3. The subject trial transcript pages make no difference. The Court’s December 11, 2024 Opinion reversed the trial court, finding that, “the trial court did err because the evidence presented at trial yields more than one reasonable inference.” Opinion, ¶ 1. The testimony provided on pages 603-609 of the trail transcript only underscores that fact – the evidence presented at trial yields more than one reasonable inference. Thus, the testimony on pages 603-609 of the trail transcript does not change the reasoning and the ultimate result reached by the Court in its December 11, 2024 Opinion.

4. The issue is picayune. The testimony provided on pages 603-609 of the trail transcript was so unimportant that it never rose above the level of a single footnote in Respondents’ brief. And that footnote, # 5 on page 29 of Respondents’ brief, did not address the substance of the testimony at all. Indeed, the testimony provided on pages 603-609 of the trail transcript was from a witness named Paula Gant, and neither she nor her testimony is mentioned even once in Respondents’ brief.

5. Appellant would be prejudiced by Respondents’ proposed addition to the Record on Appeal. The case has already been fully briefed, fully argued, and fully decided. To now inject this additional testimony into the record, it never having been substantively addressed by either party in briefing, subjects Appellant to argument with limited (or no) opportunity to refute it.

6. The Court has already decided the case, with its December 11, 2024 Opinion. Finality must be achieved at some point, and the Court should exercise its inherent authority over its docket to provide that finality now.

For at least these reasons, Respondents’ motion should be denied.

February 5, 2025

*s/Timothy D. St. Clair*

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*Attorneys for Appellant Forum Benefits, LLC*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Forum Benefits, LLC, Appellant,

v.

Brian Bannon and Assured Partners, NL, Respondents.

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**ATTACHMENT 1**

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**May 27 2022**  
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Case No. 2016-CP-07-2541  
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Forum Benefits, LLC,

Appellant,

v.

Brian Bannon and Assured Partners, NL,

Respondents.

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**APPELLANT’S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD  
ON APPEAL**

---

Appellant Forum Benefits, LLC (“Forum Benefits”), by and through its undersigned counsel, propose the following be included in the Record on Appeal:

1. Plaintiff’s Verified Complaint, Filed December 1, 2016;
2. Motion for Summary Judgment, Filed March 8, 2018;
3. Memo in Support of Motion for Summary Judgment, Filed March 8, 2018
4. Response to Motion for Summary Judgment, with 13 Exhibits, Filed March 30, 2018;
5. Memo in Reply to Motion for Summary Judgment, with 1 Exhibit, Filed April 2, 2018;
6. Motion for Summary Judgment, filed June 11, 2019;
7. Order Denying Defendants’ Motion for Summary Judgment, Filed June 22, 2018;

8. Response to Second Motion for Summary Judgment, filed June 27, 2019;
9. Withdrawal of Motion for Summary Judgment, filed August 22, 2019;
10. Motion for Summary Judgment, with 8 Exhibits, filed April 20, 2020;
11. Response to 4<sup>th</sup> Motion for Summary Judgment, with 14 Exhibits, filed June 7, 2020;
12. Reply in Support of Motion for Summary Judgment, with 2 Exhibits, Filed June 9, 2020;
13. Order Form 4 Denying Motion for Summary Judgment, Filed October 14, 2020;
14. Plaintiff's Motion for New Trial, Filed October 25, 2021;
15. Plaintiff's Response to Defendants' Motions for Attorneys' Fees, Filed October 25, 2021;
16. Defendants' Response in Opposition to Plaintiff's Motion for a New Trial, Filed November 1, 2021;
17. Defendants' Reply in Support of Its Motion for Attorneys' Fees/Costs and the Court's Award of Fees/Costs, Filed November 1, 2021;
18. Proposed Order for Attorneys' Fees, Filed November 9, 2021;
19. Order of Substitution of Parties, Filed November 9, 2021;
20. Order Granting Motion to Change Name of Plaintiff, Filed November 9, 2021;
21. Plaintiff's Reply in Support of Motion for a New Trial, with 4 Exhibits, Filed November 16, 2021;
22. Plaintiff's Supplemental Response to Defendants' Motions for Attorneys' Fees, Filed December 29, 2021;
23. Declaration of Brian Stritt, filed December 29, 2021;
24. Declaration of Lisa Hollingsworth-Stritt, filed December 29, 2021;
25. Declaration of Michelle Filler, filed December 29, 2021;
26. Order Granting Defendants' Motion for Directed Verdict and Awarding Prevailing Party Attorneys' Fees and Costs to Defendants, Filed February 1, 2022;
27. Plaintiff's Motion to Alter or Amend a Judgment and Supplement to its Motion for a New Trial, Filed February 11, 2022;
28. Order Denying Plaintiff's Motion to Alter or Amend a Judgment, Filed February 16, 2022;

29. Plaintiff's Exhibit 1;
30. Plaintiff's Exhibit 8;
31. Plaintiff's Proffered Exhibit 9;
32. Plaintiff's Exhibit 10;
33. Plaintiff's Exhibit 11;
34. Plaintiff's Exhibit 12;
35. Plaintiff's Exhibit 13;
36. Plaintiff's Exhibit 16;
37. Plaintiff's Exhibit 45;
38. Plaintiff's Exhibit 64;
39. Plaintiff's Exhibit 69;
40. Plaintiff's Exhibit 70;
41. Plaintiff's Exhibit 72;
42. Plaintiff's Exhibit 77;
43. Plaintiff's Exhibit 93;
44. Plaintiff's Exhibit 137;
45. Plaintiff's Exhibit 163;
46. Plaintiff's Exhibit 550;
47. Plaintiff's Exhibit 601;
48. Plaintiff's Exhibit 602;
49. Plaintiff's Exhibit 603;
50. Trial Transcript, Pages 1; 34; 38-54; 69; 72-160; 162; 165-223; 239; 256-258; 263-264; 269-287; 300-309; 314-327; 333-389; 423-432; 443-444; 445; 447-472; 479-565; 602; 626-627; 634-637; 649-657; 662-663; 671-673; 675-683.
51. Hearing Transcript of January 4, 2002.

The undersigned hereby certifies, pursuant to Rule 209(c), SCACR, that Forum Benefits' Designation of Matter to be included in the Record on Appeal contains no matter that is irrelevant to the appeal.

*s/Timothy D. St. Clair*

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May 27, 2022

*Attorneys for Appellants Forum Benefits, LLC*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
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Bentley D. Price, Circuit Court Judge

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Case No. 2016-CP-07-2541  
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Forum Benefits, LLC, Appellant,

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**ATTACHMENT 2**

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

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Case No. 2016-CP-07-2541  
Appellate Case No. 2022-000231

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**Forum Benefits, LLC, Appellant,**

**v.**

**Brian Bannon and Assured Partners, NL, Respondents.**

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**RESPONDENTS' DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

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Respondents, by and through their undersigned counsel, designate the following court filings and documents to be included in the Record on Appeal, in addition to the filings previously designated by Appellant in its Second Designation of Matter To Be Included In The Record On Appeal:

1. Plaintiff's Ex Parte Motion for TRO filed on December 1, 2016;
2. Order Granting Ex Parte Motion for TRO filed December 1, 2016;
3. Plaintiff's Motion for Preliminary Injunction filed December 2, 2016;
4. Order Denying Motion for Preliminary Injunction filed December 15, 2016;
5. Plaintiff's Affidavit for Attorneys' Fees and Costs filed November 4, 2021, with attachments; and

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**SC Court of Appeals**

6. Trial Transcript, pages 41, 55-72, 223-269, 287-300, 309-314, 327-333, 389-423, 432-443, 472-478, 565-602, 617-673.

In addition, Respondents designate all exhibits attached to any filings designated by Appellant. Respondents note that some of Appellant's designations reference the exhibits to the filing, but some do not. For example, the following filings do not include references to exhibits:

1. Plaintiff's Verified Complaint, Filed December 1, 2016. This filing has 3 exhibits and Respondents designate those exhibits as exhibits to be included in the Record on Appeal;

16. Defendants' Response in Opposition to Plaintiff's Motion for a New Trial, Filed November 1, 2021. This filing has 6 exhibits and Respondents designate those exhibits to be included in the Record on Appeal; and

17. Defendant's Reply in Support of Motion for Attorneys' Fees/Costs and the Court's Award of Fees/Costs, Filed November 1, 2021. This filing has 2 exhibits and Respondents designate those exhibits to be included in the Record on Appeal.

Pursuant to Rule 209(c), SCACR, the undersigned hereby certifies that Respondents' above designations to be included in the Record on Appeal contain no matter that is irrelevant to the appeal.

Respectfully Submitted,

January 4, 2023

*s/ Jeffrey A. Lehrer*  
\_\_\_\_\_  
Jeffrey A. Lehrer  
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*Attorneys for Respondents*

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
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Appellate Case No. 2022-000231

Forum Benefits, LLC, .....Appellant

v.

Brian Bannon and Assured Partners, NL, .....Respondents

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**PROOF OF SERVICE**

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*Attorneys for Respondents*

I, Jeffrey A. Lehrer, of FordHarrison, LLP, counsel for Brian Bannon and Assured Partners, NL, hereby certify that the foregoing **RESPONDENTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** by Brian Bannon and Assured Partners, NL has been served upon opposing counsel, pursuant to the Supreme Court's Order 'Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules,' (as amended May 6, 2022), by e-mailing a copy to counsel at their AIS e-mail address, as reflected below:

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*Attorneys for Appellant*

Respectfully submitted,

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*Attorneys for Respondents*

Dated: January 4, 2023

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM BEAUFORT COUNTY  
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Bentley D. Price, Circuit Court Judge

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Case No. 2016-CP-07-2541  
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Forum Benefits, LLC, Appellant,

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**ATTACHMENT 3**

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THE STATE OF SOUTH CAROLINA  
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Case No. 2016-CP-07-2541  
Appellate Case No. 2022-000231

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Forum Benefits, LLC,

Appellant,

v.

Brian Bannon and Assured Partners, NL,

Respondents.

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**APPELLANT'S SECOND DESIGNATION OF MATTER TO BE INCLUDED IN THE  
RECORD ON APPEAL**

---

Appellant Forum Benefits, LLC ("Forum Benefits"), by and through its undersigned counsel, propose the following be included in the Record on Appeal:

1. Plaintiff's Verified Complaint, Filed December 1, 2016;
2. Motion for Summary Judgment, Filed March 8, 2018;
3. Memo in Support of Motion for Summary Judgment, Filed March 8, 2018
4. Response to Motion for Summary Judgment, with 13 Exhibits, Filed March 30, 2018;
5. Memo in Reply to Motion for Summary Judgment, with 1 Exhibit, Filed April 2, 2018;
6. Motion for Summary Judgment, filed June 11, 2019;
7. Order Denying Defendants' Motion for Summary Judgment, Filed June 22, 2018;

8. Response to Second Motion for Summary Judgment, filed June 27, 2019;
9. Withdrawal of Motion for Summary Judgment, filed August 22, 2019;
10. Motion for Summary Judgment, with 8 Exhibits, filed April 20, 2020;
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12. Reply in Support of Motion for Summary Judgment, with 2 Exhibits, Filed June 9, 2020;
13. Order Form 4 Denying Motion for Summary Judgment, Filed October 14, 2020;
14. Plaintiff's Motion for New Trial, Filed October 25, 2021;
15. Plaintiff's Response to Defendants' Motions for Attorneys' Fees, Filed October 25, 2021;
16. Defendants' Response in Opposition to Plaintiff's Motion for a New Trial, Filed November 1, 2021;
17. Defendants' Reply in Support of Its Motion for Attorneys' Fees/Costs and the Court's Award of Fees/Costs, Filed November 1, 2021;
18. Proposed Order for Attorneys' Fees, Filed November 9, 2021;
19. Order of Substitution of Parties, Filed November 9, 2021;
20. Order Granting Motion to Change Name of Plaintiff, Filed November 9, 2021;
21. Plaintiff's Reply in Support of Motion for a New Trial, with 4 Exhibits, Filed November 16, 2021;
22. Plaintiff's Supplemental Response to Defendants' Motions for Attorneys' Fees, Filed December 29, 2021;
23. Declaration of Brian Stritt, filed December 29, 2021;
24. Declaration of Lisa Hollingsworth-Stritt, filed December 29, 2021;
25. Declaration of Michelle Filler, filed December 29, 2021;
26. Order Granting Defendants' Motion for Directed Verdict and Awarding Prevailing Party Attorneys' Fees and Costs to Defendants, Filed February 1, 2022;
27. Plaintiff's Motion to Alter or Amend a Judgment and Supplement to its Motion for a New Trial, Filed February 11, 2022;
28. Order Denying Plaintiff's Motion to Alter or Amend a Judgment, Filed February 16, 2022;

29. Plaintiff's Exhibit 1;
30. Plaintiff's Exhibit 8;
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45. Plaintiff's Exhibit 163;
46. Plaintiff's Exhibit 550;
47. Plaintiff's Exhibit 601;
48. Plaintiff's Exhibit 602;
49. Plaintiff's Exhibit 603;
50. Trial Transcript, Pages 1; 34; 38-54; 69; 72-160; 162; 165-223; 229; 239; 256-259; 263-264; 269-287; 300-309; 314-327; 333-389; 423-432; 443-444; 445; 447-472; 479-565; 586; 602; 610-616; 626-627; 634-637; 649-657; 662-663; 671-673; 675-683.
51. Hearing Transcript of January 4, 2002.

The undersigned hereby certifies, pursuant to Rule 209(c), SCACR, that Forum Benefits' Designation of Matter to be included in the Record on Appeal contains no matter that is irrelevant to the appeal.

*s/Timothy D. St. Clair*

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*Attorneys for Appellants Forum Benefits, LLC*

January 3, 2023

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM BEAUFORT COUNTY  
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Forum Benefits, LLC, Appellant,

v.

Brian Bannon and Assured Partners, NL, Respondents.

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on February 5, 2025, copies of Forum Benefits, LLC's **APPELLANT'S RETURN TO RESPONDENTS' MOTION TO AMEND RECORD ON APPEAL** were served on all counsel of record via emails containing the above referenced document to counsels' individual AIS email addresses:

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*Attorneys for Brian Bannon and Assured Partners, NL*

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*Attorneys for Appellants Forum Benefits, LLC*

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Atlanta, GA  
Charleston, SC  
Charlotte, NC  
Columbia, SC  
**Greenville, SC**  
Raleigh, NC  
Spartanburg, SC  
Washington, DC

February 5, 2025

**VIA E-FILE (ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Forum Benefits, LLC v. Brian Bannon, Assured Partners, NL  
Appellate Case No. 2022-000231

Dear Ms. Kitchings:

Please find attached Appellant's Return to Respondents' Motion to Amend Record on Appeal along with the Proof of Service.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

Yours very truly,

Parker Poe Adams & Bernstein LLP

A handwritten signature in blue ink, appearing to read 'T. D. St. Clair', written over the typed name.

Timothy D. St.Clair