

**RECEIVED**

**Jun 30 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
B. Alex Hyman, Circuit Court Judge

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Appellate Case No. 2025-000063

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Stivers Brothers Automotive, Inc., Respondent,

v.

W. Warner Peacock and Peacock Automotive, LLC, Appellants.

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RESPONDENT'S RETURN TO APPELLANTS' MOTION TO STRIKE RESPONDENT'S  
DESIGNATION OF MATTER

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Attorneys for Respondent

**I. The Defendants' Motion for Summary Judgment and the Form 4 Order entered March 24, 2021 are appropriate for inclusion in the Record on Appeal.**

The Respondent included the Appellant's Motion for Summary Judgment filed December 4, 2020 and the Form 4 Order entered on March 24, 2021 in its Designation of Matter. The Appellant filed its Motion to Strike on June 20, 2025.

Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition. Rule 240(e), SCACR. The Respondent does not consent to the Appellant's motion. Both the Defendants' Motion for Summary Judgment and the Form 4 Order address the Appellants' arguments on damages that inform the present appeal and are discussed by the Respondent in its Initial Brief. As both documents are therefore relevant to the appeal, both are appropriate for inclusion in the Record on Appeal. Rule 209(b), SCACR.

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/s/ Ryan G. Studemeyer

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PROOF OF SERVICE

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I certify that I have served a copy of Respondent's Return To Appellants' Motion To Strike Respondent's Designation Of Matter upon the Appellants by email and by depositing it in the United States Mail, postage prepaid, on June 30, 2025, addressed to their attorney of record, Bradford N. Martin, Post Office Box 10410, Greenville, South Carolina 29603.

June 30, 2025

STUDEMAYER LAW FIRM, P.C.

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