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Jul 23 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

R. Kirk Griffin, Circuit Court Judge

Appellate Case No. 2025-001045

Piedmont Roofing Service, LLC,

Appellant,

v.

Auto-Owners Insurance Company,

Respondent.

RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR SANCTIONS

The Respondent, Auto-Owners Insurance Company, submits the following in response to Appellant's Motion for Sanctions.

PROCEDURAL HISTORY

After Appellant filed the Notice of Appeal and Initial Brief, Respondent filed a Motion To Dismiss for lack of appellate jurisdiction. Respondent also asserted an alternative ground that this appeal be dismissed until all claims and legal disputes between the parties have been presented to and adjudicated by the lower court. Appellant filed a Return to Respondent's Motion To Dismiss and included a Motion for Sanctions, but as of the writing of this Return to the Motion for Sanctions, has not paid the required fee for the Motion for Sanctions.

ARGUMENT

A. APPELLANT HAS NO FACTUAL EVIDENCE OR LEGAL PRECEDENT TO SUPPORT THE MOTION FOR SANCTIONS

There is no basis for the Court to issue sanctions against Counsel for Respondent in this case based on a lack of candor to the Court, or on any other ground. The arguments presented to the Court in Respondent's Motion to Dismiss were valid arguments concerning procedural issues and facts regarding this appeal.

The cases, statutes, and rules cited in support of the Motion To Dismiss have not been overturned or otherwise overruled. The procedural history stated was accurate. The statements of fact were consistent with the written rulings of the trial court orders.

A fair reading of the Motion to Dismiss shows that Respondent did not present any frivolous or unsupported claims and even addressed a case that could lead to an alternate final disposition by the Court. Although the alternative argument is clearly identified, it was apparently ignored by Counsel for Appellant in the Motion for Sanctions. Respondent's alternative legal theory and conclusion arguments also does not violate any ethical duty or obligation to the Court.

Appellant certainly has the right to argue against the legal conclusions argued by Respondent. But the fact that the parties have drawn different conclusions and taken contrary positions, is not to be discouraged or punished as Appellant seems to suggest in the motion for sanctions. Civilized disagreement is the very foundation of the operation of an adversarial judicial system. A contrary argument does not constitute a violation of an ethical obligation or prompt the imposition of sanctions. To be sure, Appellant counsel's visceral response to being challenged on procedural grounds is entirely unwarranted and does not constitute a lack of candor or violate any applicable ethical obligation by the undersigned in asserting Respondent's legal rights in this Court.

CONCLUSION

For the above-stated reasons, Respondent requests this Honorable Court deny Appellant's motion for sanctions.

Respectfully submitted,

s/Douglas E. Leadbitter

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Attorneys for Respondent

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PROOF OF SERVICE

I certify that I have served the Respondent's Return to Appellant's Motion for Sanctions on the Appellant by electronic email to Adam G. Wood, Esquire, and by depositing a copy of it in the United States Mail, postage prepaid, on July 23, 2025, addressed to Adam Gabriel Wood, Esquire, Wood Law Offices PLLC, 885 Gold Hill Road, #3013, Fort Mill, SC 29708; *agwood@wood-lawoffices.com*.

July 23, 2025

s/Douglas E. Leadbitter

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