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Aug 06 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM LANCASTER COUNTY
Court of Common Pleas**

Deandrea G. Benjamin, Circuit Court Judge

**Case. No. 2018-CP-001127
Appeal No. 2022-001589**

**Morphis Pediatric Group of Lancaster, PA and
Elizabeth J. Morphis M.D, Appellants-Respondents**

v.

Paul David HessRespondent-Appellant

MOTION TO STRIKE RESPONDENT'S REPLY TO APPELLANT'S RESPONSE

Charles F. Thompson, Jr.
Malone, Thompson, Summers & Ott
339 Heyward Street
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Attorneys for the Appellants

Other counsel of record:

David E. Rothstein, Esq.
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1312 Augusta Street
Greenville, SC 29605

Attorney for the Respondent

On August 6, 2025, Respondent Hess filed a Reply Brief in answer to Appellant Morphis's return to Hess's petition for rehearing on the issue of prejudgment interest. Rule 221(a) specifically states that returns to petitions are not permitted unless invited by the court. The court, on July 24, did invite returns to petitions for rehearing, however, did not invite reply briefs. Rule 240 does allow replies, but that rule applies only to motions and petitions "generally." The more specific Rule 221 applies to petitions for rehearing and, therefore, controls. Hess's reply brief is improper and Morphis requests that it be struck.

MALONE, THOMPSON, SUMMERS & OTT LLC

/s/Charles F. Thompson Jr. _____
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Dated this 6th day of August 2025

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**STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM KERSHAW COUNTY
Court of Common Pleas**

Deadra Jefferson, Circuit Court Judge

C. A. NO. 12-CP-26-4852

Town of Surfside Beach. Appellant

v.

Jacklyn J. DonevantRespondent

CERTIFICATION

I hereby certify that the accompanying motion to strike was served on Respondent by email and United States mail addressed to:

David E. Rothstein
BURNETTE SHUTT McDANIEL, P.A.
415 W. Washington Street
Greenville, SC 29601

August 6, 2025

s/ Charles F. Thompson, Jr.
Charles F. Thompson, Jr.