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**Dec 02 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 MOTION TO SUPPLEMENT THE RECORD ON APPEAL

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Respondent hereby moves to supplement the Record on Appeal pursuant to Rule 212(b), SCACR. Specifically, Respondent proposes that the following designated matter be included in the Record on Appeal, filed on October 6, 2025:

1. Plaintiff's Third Motion to Compel Production of Documents and to Strike Defendants' Delayed Assertion of Privilege, filed September 5, 2024, and Exhibits;
2. Plaintiff's Motion to Serve a Second Amended and Supplemental Complaint, filed October 2, 2025, and Exhibits.

Rule 212(b), SCACR allows a party to supplement the Record on Appeal at any time prior to argument with leave of the Court. The Statement of Facts in Respondent's Final Brief references Appellants' bad faith, post-breach contract. Most of those facts were only recently discovered. Appellants' Final Reply Brief appears to assert that these statements improperly contain "contested matters."

These facts appear in the motion to serve a second and supplemental complaint and exhibits, including the proposed second amended and supplemental complaint itself. The third motion to compel production of documents and to strike Defendants' delayed assertion of privilege and exhibits, filed September 5, 2024, provides context as to why such facts were only recently discovered.

In fairness to the opposing party, Rule 212(b), SCACR allows Appellants to designate any supplemental material which Appellants desire to add if the Court grants the Respondent's motion. Based upon the foregoing, Appellant moves the Court pursuant to Rule 212(b), SCACR, for an order authorizing and directing that the Record on Appeal be further supplemented in accordance with this motion.

STUDEMAYER LAW FIRM, P.C.

s/ J. Gregory Studemeyer

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s/ J. Michael Baxley

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Attorneys for Respondent

December 2, 2025

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PROOF OF SERVICE

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I certify that I have served a copy of Respondent's Motion to Supplement the Record on Appeal on W. Warner Peacock and Peacock Automotive, LLC by depositing a copy of it in the United States Mail, postage prepaid, on October 2, 2025, addressed to their attorney of record, Bradford N. Martin, Post Office Box 10410, Greenville, South Carolina 29603.

s/ J. Gregory Studemeyer  
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December 2, 2025