THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable R. Kirk Griffin, Circuit Court Judge

Appellate Case No. 2024-000742

Jerry Cozby, Plaintiff,

vs.

Kent Huntley Oliver, Thompson Construction Group, Inc., Curtis Ouellette, and Quality Haulers, Inc., Defendants,

of which Kent Hunley Oliver and Thompson Construction Group, Inc. are Respondents.

AND

Dean Alan Arender and Tamala Arender, Appellants,

vs.

Kent Huntley Oliver, Thompson Construction Group, Inc., Curtis Kent Ouellette, and DMX Transportation Services, Inc., Defendants,

of which Kent Hunley Oliver and Thompson Construction Group, Inc. are Respondents.

AND

Kent Huntley Oliver, Respondent,

vs.

Curtis Kent Ouellette, Quality Haulers, Inc., Dean Alan Arender, US XPRESS Leasing, Inc., and US XPRESS, Inc., Defendants,

of which Dean Alan Arender, US XPRESS Leasing, Inc., and US XPRESS, Inc. are Appellants.

APPELLANTS DEAN ALAN ARENDER, U.S. XPRESS LEASING, INC., AND U.S. XPRESS, INC.'S PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF ISSUES ON APPEAL

I. Did the Court of Appeals Err in Holding the Joinder Order is not immediately appealable?

II. Did the Circuit Court Err in Granting Oliver and Thompson's Request for Joinder and Purporting to Join the Parties as it Did?

STATEMENT OF THE CASE

On November 12, 2020, four drivers were involved in a multi-vehicle collision on Interstate 26 in Newberry County, South Carolina: (1) Jerry Cozby ("Cozby"); (2) Curis Ouellette ("Ouellette"), driving for Quality Haulers, Inc. ("Quality") and/or DMX Transportation Services, Inc. ("DMX"); (3) Kent Huntley Oliver ("Oliver"), driving for Thompson Construction Group, Inc. ("Thompson"); and (4) Arender, driving for U.S. XPRESS, Inc. and/or U.S. XPRESS Leasing, Inc. (together, "USX"). (R. p. 2.) Four lawsuits followed, with Petitioners' underlying appeal concerning three of those suits: (1) Cozby's suit against Oliver, Thompson, Ouellette, and Quality, filed in Sumter County (the "Cozby Suit"); (2) Arender and his wife, Tamala Arender's (together, the "Arenders"), suit against Oliver, Thompson, Ouellette, Quality, and DMX, filed in Newberry County (the "Arender Suit"); and (3) Oliver's suit against Ouellette, Quality, Arender, and USX, filed in Newberry County (the "Oliver Suit").

Oliver and Thompson later moved for permissive joinder and consolidation of the Cozby, Arender, and Oliver Actions. (R. pp. 187–90). The Arenders and USX opposed Oliver and Thompson's motion. (R. pp. 199–220.) Though Oliver and Thompson subsequently dropped their request for consolidation, the Circuit Court granted Oliver and Thompson's motion for permissive joinder *and* consolidation. (R. pp. 5, 281; pp. 299–300). The Joinder Order purports to *join* the three lawsuits as one but instead appeared to simply *consolidate* the actions. (R. pp. 1–14). The order does not show the matters joined under one caption; instead, all three lawsuits are listed under separate captions. (R. p. 1.) However, the caption only identifies the *Sumter County* case number. *Id.* Thus, the actions were not joined, despite the court's order to the contrary.

Arender and USX appealed the Joinder Order jointly and, in Arender's case, individually. The Court of Appeals dismissed the appeal as premature on February 4, 2026, on the grounds the

appeal was premature. Petitioners jointly and individually petitioned for a rehearing, but the Court of Appeals denied that petition on March 31, 2026.

Petitioners now timely petition the Supreme Court for a writ of certiorari.

STANDARD OF REVIEW

"Certiorari is not a matter of right, but a matter of sound judicial discretion . . ." SCACR 242(b). Certiorari is granted "only where there are special and important reasons," including but not limited to circumstances:

(1) Where there are novel questions of law.
(2) Where there is a dissent in the decision of the Court of Appeals.
(3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.
(4) Where substantial constitutional issues are directly involved.
(5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.

SCACR 242(b), 242(b)(1)-(5). Further, "[o]nly those questions raised in the Court of Appeals and in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court." SCACR 242(d)(2). Finally, "[a]t the same time the petition is filed, the petitioner shall also file two (2) copies of the Appendix with the Clerk of the Supreme Court." SCACR 242(e) (emphasis added); see also SCACR 242(e)(1)-(4) (setting forth required contents of Appendix).

This court may review questions of law "with no particular deference to the lower court." *See Moriarty v. Garden Sanctuary Church of God*, 341 S.C. 320, 327, 534 S.E.2d 672, 675 (2000). Because this appeal does not concern questions of fact, then, the applicable standard of review for this court is *de novo* review.

ARGUMENT

I. This Appeal Involves Novel Questions of Law and Directly Involves Substantial Constitutional Issues.

At bottom, Petitioners' appeal concerns the propriety of the Joinder Order granting permissive joinder. The Court of Appeals "found no published opinion in South Carolina reviewing the appealability of an order granting permissive joiner" and found that earlier Supreme Court decisions provided "no guidance . . . because the effect of those orders was to deprive the plaintiffs of the ability to maintain their lawsuits against certain defendants." *Cozby v. Oliver*, -- S.C. --, 927 S.E.2d 90, 93 (Ct. App. 2026). Accordingly, this appeal involves novel questions of law.

This appeal also directly involves substantial constitutional issues; namely, the Circuit Court's denial of Petitioners' particular mode of trial. Because of the Joinder Order, if done properly, Arender is now a plaintiff in the same action where his employer, USX, is a defendant. The Joinder Order is entirely silent as to how the claims in these three cases will coexist; though it purports to join all actions as one, it uses a consolidated—not joined—case caption. The resulting discord is most apparent when one considers the content of a future verdict form. There is only one verdict form in a joined action. *See Sarvghad v. Sitton Buick Co.*, 312 S.C. 429, 430, 440 S.E.2d 894, 895 (Ct. App. 1994). The ultimate factfinder must take the verdict form an "apportion one-hundred percent of the fault between a plaintiff and each defendant whose actions are the proximate cause of the indivisible injury." *Smith v. Tiffany,* 419 S.C. 548, 553, 799 S.E.2d 479, 481 (2017) (citing S.C. Code Ann. § 15-38-15(C)(3)). Here, then, Arender will be identified as a "plaintiff" on the very same verdict form where USX, his employer, is identified as a "defendant." The same is true for Oliver and Thompson. This runs afoul of the Workers'

Compensation Exclusivity Doctrine since Arender and Oliver *cannot* pursue tort claims against their employers and cannot be identified as "plaintiffs" on verdict forms where USX, Thompson, Quality, and DMX are identified as "defendants."

Similarly, Arender and USX will now be listed as "defendants" on the same verdict form that Cozby is identified as a "plaintiff," even though Cozby has not brought any claims against Arender and USX and presumably cannot recover any damages from these defendants.

"[T]he denial of a party's right to a particular mode of trial is immediately appealable as a substantial right under Section 14-3-330(2)." *Hagood v. Sommerville*, 362 S.C. 191, 196, 607 S.E.2d 707, 709 (2005) (citing *Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 72, 533 S.E.2d 331, 333 (2000)). "These cases not only permit, but indeed require, immediate appeal in the event of denial of a mode of trial to which one is entitled as a matter of right." *Flagstar*, 341 S.C. at 72, 533 S.E.2d at 333.

USX here is entitled to a specific mode of trial where its employee cannot maintain a tort action against it, and Arender and USX both are entitled to a mode of trial where Cozby cannot appear to recover from either defendant as he as not sued them. The Joinder Order turns this right on its head as the verdict form requires Arender to appear as a plaintiff against USX, its employee, and Cozby to appear as a plaintiff against Arender and USX, parties against whom he has brought no claim. Accordingly, the Joinder Order denies Petitioners their requested mode of trial and thus directly involves substantial constitutional issues.

II. The Joinder Order is Immediately Appealable and the Court of Appeals Erred in Holding Otherwise.

A party may appeal an intermediate order issued by a circuit judge if that order affects a "substantial right" or involves the merits of an action. S.C. Code Ann. § 14-3-330(1), (2). The

Joinder Order here both affects Petitioners' substantial right to their preferred mode of trial and involves the merits of the action. The Joinder Order is thus immediately appealable.

A. The Joinder Order Affects the Parties' Substantial Rights

An order affects a substantial right when, among other things, it "in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action." S.C. Code Ann. § 14-3-330(2)(a). The Joinder Order here affects parties' right of election and right to a particular mode of trial, both of which are substantial rights.

1. The Joinder Order Impedes Plaintiff Cozby's Right of Election.

A party's right of election "has been recognized in South Carolina jurisprudence for almost two hundred years." *Smith v. Tiffany*, 419 S.C. 548, 563, 799 S.E.2d 479, 487 (2017) (citing *Little v. Robert G. Lassiter & Co.*, 156 S.C. 286, 287, 153 S.E. 128, 128 (1930)). This court there recognized and affirmed that a plaintiff "should not be required to sue someone against whom [he] makes no claim." *Id.* South Carolina courts have "offered various reasons for refusing to allow defendants to bring in alleged joint tortfeasors a plaintiff has opted not to sue" rather than allow the defendant to be the architect of the plaintiff's case. *Id.* at 562, 799. In entering the joinder order, however, the Circuit Court has broken with this tradition and allowed *defendants*—Ouellette in all three actions and Thompson and Oliver in two of the three actions—to usurp the plaintiffs' roles as architects of their claims. This is wholly improper, and the Court of Appeals erred in concluding the Joinder Order is simply "akin to adding parties to litigation or granting a motion to change venue." *Cozby*, 927 S.E.2d at 93.

Rather than simply add a party or change venue, the Joinder Order forces a plaintiff—*over that plaintiff's objection*—to name as defendants parties he did not sue. Cozby *did not* name Arender or USX in his action, though he was certainly free to do so. Cozby never attempted to

amend his complaint to lodge claims against Petitioners and, as the Circuit Court noted in its order, Cozby *opposed* Thompson and Oliver's motion. (R. p. 4). Similarly, had Oliver and Thompson desired to bring Petitioners into Cozby's lawsuit they could have asserted third-party claims against Petitioners. They did not do so. The Court of Appeals' conclusion that this appeal is not one where "a plaintiff [is] forced to sue a defendant against his wishes" and that "the plaintiffs are not being forced to sue any defendants against their wishes" is incorrect. *Cozby*, 927 S.E.2d at 93. This finding highlights the ambiguity inherent to the Joinder Order that only *nominally* joints the parties while wholly failing to construct a caption that *actually* joins the parties.

This court has repeatedly held that an order infringing on a plaintiff's right of election is immediately appealable. *See, e.g.*, *Neeltec Enterprises, Inc. v. Long*, 397 S.C. 563, 566, 725 S.E.2d 926, 928 (2012) (order substituting two different defendants for named defendant at named defendant's request impeded plaintiff's right to choose her defendant and was thus immediately appealable under section 14-3-330); *Morrow v. Fundamental Long-Term Care Holdings, LLC*, 412 S.C. 534, 539, 773 S.E.2d 144, 146 (2015) (bifurcation order immediately appealable where "[t]he effect of this order is to prevent the Morrows from being architects of their own complaint, and deprives them of bringing their case against the defendant of their own choosing") (citing *Neeltec* at 563, 725 S.E.2d at 928). Because the Joinder Order infringes on Cozby's substantial right of election the order is immediately appealable. The Court of Appeals thus erred in concluding the Joinder Order is not immediately appealable.[1]

[1] The Court of Appeals' finding also contradicts this Court's holding in *Watts v. Copeland*, 170 S.C. 449, 170 S.E. 780 (1933), which arguably *requires* Petitioners to raise this issue now lest they waive their ability to appeal the order. In that case, a defendant appealed an order substituting an individual plaintiff for a corporate plaintiff. *Id.* at 566, 725 S.E.2d at 928. However, the defendant did not appeal the order until *after* judgment was entered. This Court concluded the defendant was "estopped to deny that [the individual] was the proper party to prosecute the action," noting the defendant "elected to file an answer and go to trial on the issues made by the pleadings. Clearly,

2. The Joinder Order Denies Petitioners' Right to a Particular Mode of Trial.

"[T]he denial of a party's right to a particular mode of trial is immediately appealable as a substantial right under Section 14–3–330(2)." *Hagood v. Sommerville*, 362 S.C. 191, 196, 607 S.E.2d 707, 709 (2005) (citing *Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 72, 533 S.E.2d 331, 333 (2000)). "These cases not only permit, but indeed require, immediate appeal in the event of denial of a mode of trial to which one is entitled as a matter of right." *Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 72, 533 S.E.2d 331, 333.

The practical reality of the Joinder Order is thus: Arender is now a plaintiff in the same action where his employer, USX, is a defendant. The Joinder Order is entirely silent as to how the claims in these three cases will coexist. Alhough it purports to join all actions as one, it uses a consolidated—not joined—case caption. The discord that will result from this silence is most apparent when one considers the content of a future verdict form. There is only one verdict form in a joined action. *See Sarvghad v. Sitton Buick Co.*, 312 S.C. 429, 430, 440 S.E.2d 894, 895 (Ct. App. 1994). The ultimate factfinder must take the verdict form an "apportion one-hundred percent of the fault between a plaintiff and each defendant whose actions are the proximate cause of the indivisible injury." *Smith*, 419 S.C. at 553, 799 S.E.2d at 481 (citing S.C. Code Ann. § 15-38-15(C)(3)). Here, then, Arender will be identified as a "plaintiff" on the very same verdict form

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in these circumstances, the question here is made res adjudicata." *Id.* at 456–57, 170 S.E. at 783. More recently, this Court interpreted the *Watts* decision is "hold[ing] that a party who does not immediately appeal an order of substitution may not appeal this interlocutory order after final judgment." *Neeltec*, 397 S.C. at 567, 725 S.E.2d at 928. Reading *Watts* and *Neeltec* together, Petitioners recognize they must appeal the Joinder Order—and the appellate court must vacate or affirm the Joinder Order *now*—or else they may face the argument that the appeal has been waived. The *Morrow* Court likewise recognized that preventing its plaintiffs from appealing the bifurcation order at the time it was entered "would encourage piecemeal litigation and limit their appellate remedies after the first trial on nursing home negligence and its subsequent appeal." *Morrow*, 412 S.C. at 539, 773 S.E. 2d at 146–47.

where USX, his employer, is identified as a "defendant." The same is true for Oliver and Thompson. Similarly, Arender and USX will now be listed as "defendants" on the same verdict form that Cozby is identified as a "plaintiff," despite the fact that Cozby has not brought any claims against Arender and USX and presumably cannot recover any damages from these defendants.

In forcing an employee—Arender—to maintain an action against his employer—USX—the Joinder Order runs afoul of the exclusivity provision of the Workers' Compensation Act. This provision "precludes an employee from maintaining a tort action against an employer where the employee sustains a work-related injury." *Posey v. Proper Mold & Eng'g, Inc.*, 378 S.C. 210, 224, 661 S.E.2d 395, 403 (Ct. App. 2008). The same is true for Oliver and Thompson—though Oliver did not originally sue Thompson, Oliver is now a plaintiff in an action where his employer, Thompson, is a defendant. Though the Court of Appeals dismissed these incompatibilities by concluding the Joinder Order does not create new claims, that conclusion ignores the issues with the current caption and verdict form discussed above. When this matter is tried a jury will be given a form that identifies Arender as a plaintiff and USX as one of several defendants. That same jury must allocate fault for Arender's claims against USX and its fellow co-defendants. Such a scenario plainly violates that spirit of the Workers' Compensation Act. Collateral estoppel and inconsistent verdict issues will inevitably arise if the form is used as a consolidation with separate inquiries for each case as it is currently captioned. Because the Joinder Order runs afoul of Workers' Compensation exclusivity the order impedes Petitioners' substantial right to a particular mode of trial. The Joinder Order is thus immediately appealable.[2]

[2] As discussed above, if Petitioners do not appeal the Joinder Order until after a judgment is entered the question of appeal may be waived.

B. The Joinder Order Involves the Merits of the Action.

An order involves the merits of an action when it "finally determine[s] some substantial matter forming the whole or a part of some cause of action or defense." *Mid-State Distribs., Inc. v. Century Importers, Inc.*, 310 S.C. 330, 334, 426 S.E.2d 777, 780 (1993). This Court has also held the phrase "necessarily affecting the judgment" carries the same meaning as the phrase "involving the merits." *Link v. School Dist. of Pickens County*, 302 S.C. 1, 6, 393 S.E.2d 176, 179 (1990). Such orders are immediately appealable. *See* S.C. Code Ann. § 14-3-330(1). While no South Carolina court has determined whether an order joining parties involves the merits of an action, the Supreme Court of North Dakota has taken up this issue and concluded such an order does involve the merits of an action. [3]

In *Wosepka v. Dukart*, the Supreme Court of North Dakota addressed whether an order granting joinder under Rule 19 of the *North Dakota Rules of Civil Procedure*[4] was immediately appealable, 160 N.W.2d 217 (N.D. 1968). There, the North Dakota Supreme Court compelled joinder of the plaintiff's son as a defendant under North Dakota's Rule 19 when the original defendants alleged the son's negligence was the proximate cause of the underlying accident. *Id.* at 218. The court there allowed an immediate appeal, noting its earlier holding "that an order granting a motion to force joinder of an additional party defendant was appealable . . . as an order which involves the merits of an action." *Id.* [5] That court also concluded the order was improper,

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[3] South Carolina courts may look to and adopt the reasoning of other jurisdictions that have addressed specific issues where no such decisions are available in South Carolina. *See Hagood v. Sommerville*, 362 S.C. 191, 197, 607 S.E.2d 707, 710 (2005).

[4] Rule 19 of the *North Dakota Rules of Civil Procedure* and Rule 19 of the *South Carolina Rules of Civil Procedure* mirror one another.

[5] N.D. Cent. Code Ann. § 28-27-02(5), on which the North Dakota Supreme Court relied, provides that "[a]n order which involves the merits of an action or some part thereof" is an order that "may be carried to the supreme court," which is notably similar to S.C. Code Ann. § 14-3-330(1) ("The

noting "the named party defendants, whom the plaintiff believed to be liable, had available to them . . . the privilege as third-party plaintiffs of brining the plaintiff's son into the action as a third-party defendant by serving a summons and complaint upon him." *Id.* at 219. While the *Wosepka* court reviewed compulsive or required joinder under Rule 19, and this Court must determine the propriety of a permissive joinder made under Rule 20, SCRCP, the cases nonetheless concern two procedural rules that require the joinder of parties.

The Court of Appeals concluded the Joinder Order does not involve the merits, noting that the North Dakota Supreme Court later called *Wosepka* into question and, in any event, Petitioners here "are all already parties" and no plaintiff is being forced to sue a defendant against his wishes. Petitioners disagree with both of these conclusions.. First, the issue before the North Dakota Supreme Court's later decision—*Belden v. Hambleton*, 554 N.W. 2d 458, 460 (N.D. 1996)—is distinguishable from this appeal. In *Belden*, the court declined to decide whether *Wosepka* is good law, noting that nothing in the record suggested that the underlying plaintiffs did *not* want a new defendant joined as a party to their action. *Id.* at 461. "*Because*" those plaintiffs were "not being forced to sue a defendant against their wishes," the court concluded the situation fell "under the general rule that an order joining parties is not an appealable order." *Id.* (emphasis added). As noted herein, Cozby opposed Thompson and Oliver's request that the cases be joined. Accordingly, *Belden* is not dispositive, and the scenario before the Court of Appeals is not the run-of-the-mill joining of a party as a defendant.

Second, and as discussed above, a plaintiff—Cozby—*is* being forced to sue Petitioners against his wishes. Cozby opposed Oliver and Thompsons' motion. Moreover, USX was "already

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Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal … [a]ny intermediate … order … in a law case involving the merits in actions…")

parties" to *only one* of the three actions involved in this appeal. Neither Cozby nor Arender sued USX; only Oliver did. Likewise, before the Circuit Court entered the Joinder Order Arender was only a defendant in one of the two actions in which he was a party. Neither Arender nor USX were parties to the Cozby action before the Joinder Order.

Indeed, the Joinder Order involves the merits of the action because it attempts to cobble all these cases together without providing any guidance or appropriate caption as to how the claims are to proceed as purportedly joined. The order does not identify if the parties are joined as plaintiffs or defendants; rather, the case caption shows *three separate actions*, which suggests consolidation instead of joinder. (R. pp. 1, 15). In fact, the only difference in the caption following the Joinder Order is that the Circuit Court now appears to apply only one case number. *Id.*

Given the uncertainty that exists as to the nature of the claims and defendants in these actions, drafting a verdict form will require an effort that is nothing short of herculean. Petitioners have already discussed the convoluted nature of the verdict form and, since Cozby has not alleged any causes of action against Arender or USX, it is questionable whether South Carolina statutory law allows Cozby to include these parties as defendants on the verdict form without any claims pending against them. Finally, as discussed above, Arender cannot pursue a tort claim against USX and, therefore, cannot be on the same verdict form as USX as one of the Defendants given Workers' Compensation exclusivity; the same can be said for Oliver as plaintiff and Thompson as defendant.

For all the above reasons, the Joinder Order involves the merits of the action. The current Joinder Order caption creates various avenues to judgments against employers to employees and against defendants against whom plaintiffs have asserted no claims. These issues necessarily affect

the judgment because they create the opportunities for these impermissible judgments. The Joinder Order is thus immediately appealable and the Court of Appeals erred in holding otherwise.

III. The Circuit Court Erred in Joining the Parties.

For the reasons discussed above concerning appealability of the Joinder Order, the Circuit Court erred when entering the Joinder Order. When the Court orders joinder, the parties and pleadings are merged, and "all persons are joined in *one action*." Rule 20(a), SCRCP (emphasis added). South Carolina Rule of Civil Procedure 20(a) provides:

> All persons may **join in one action as plaintiffs** if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action. All persons may be **joined in one action as defendants** if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

(emphasis added).

As discussed above, this is not a situation where persons are simply joining as a single plaintiff or single defendant; rather, this is a situation where the Circuit Court allowed two *defendants* attempt to join multiple plaintiffs and defendants into one action. Moreover, and as noted above, this is not a situation where all plaintiffs were asserting a right to relief jointly, severally, or in the alternative or there was a right to relief asserted jointly, severally, or in the alternative against all defendants. Some plaintiffs had claims against some defendants across the three separate actions involved in this appeal. The Circuit Court's erred in granting permissive joinder under Rule 20, SCRCP, under these circumstances, and then compounded that error by not actually joining the parties.

For these reasons, Petitioners respectfully submit this Court should reverse the Circuit Court's decision.

CONCLUSION

For the reasons set forth above, Petitioners respectfully request this Court grant their Writ of Certiorari, reverse the Court of Appeals' decision that the Joinder Order is not immediately appealable, and reverse the Circuit Court's ruling on the Joinder Order on the grounds the Joinder Order was not appropriately ordered and executed.[6]

Respectfully submitted,

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Columbia, South Carolina
April 30, 2026

[6] Petitioners also incorporate arguments and request for relief raised by Arender in his individual Petition for Writ of Certiorari.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable R. Kirk Griffin, Circuit Court Judge

Appellate Case No.: 2024-000742

Jerry Cozby, Plaintiff,

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of which Dean Alan Arender, US Xpress Leasing, Inc., and US Xpress, Inc., are Appellants.

PROOF OF SERVICE

I, the undersigned of the law offices of Sweeny, Wingate & Barrow, PA, attorney for Appellants Dean Alan Arender, U.S. Xpress Leasing, Inc., and U.S. Xpress, Inc., do hereby certify that the Notice of Appearance has been served on all counsel to this appeal. The notice has been served by email sent to the addresses below:

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SWEENY WINGATE & BARROW P.A.

April 30, 2026

Reply to: Main Office

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VIA HAND DELIVERY
The Honorable Patricia Howard
Clerk of Court, Supreme Court of South Carolina
1231 Gervais St.
Columbia, South Carolina 29201

RE: Oliver v. Arender and U.S. Xpress, Inc.
Appellate No.: 2024-000742
Our File: 3729-13492

Dear Ms. Howard:

Enclosed please find the following for filing in the above referenced matter:

1. $250.00 Filing Fee

The associated Petition and Certificate of Services has been previously filed with both this Court and the court of appeals.

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Mary Cothonneau Eldridge

MCE/mch
Enclosures,

cc: All Counsel of Record

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SC Court of Appeals

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SWEENY WINGATE & BARROW P.A.

April 30, 2026

Reply to: Main Office

Mary Cothonneau Eldridge
(803) 256-2233
mce@swblaw.com

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

RE: Oliver v. Arender and U.S. Xpress, Inc.
Appellate No.: 2024-000742
Our File: 3729-13492

Dear Ms. Kitchings:

Enclosed please find the following for filing in the above referenced matter:

1. Petition for a Writ of Certiorari
2. Certificate of Service

A copy of the Petition and associated filing fee will be contemporaneously filed with the Supreme Court. Thank you for your assistance in this matter.

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Mary Cothonneau Eldridge

MCE/mch
Enclosures,

cc: All Counsel of Record

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Apr 30 2026
SC Court of Appeals

SWB

SWEENY WINGATE & BARROW P.A.

April 30, 2026

Reply to: Main Office

Mary Cothonneau Eldridge
(803) 256-2233
mce@swblaw.com

VIA ONE DRIVE
The Honorable Patricia Howard
Clerk of Court, Supreme Court of South Carolina
1231 Gervais St.
Columbia, South Carolina 29201

RE: Oliver v. Arender and U.S. Xpress, Inc.
Appellate No.: 2024-000742
Our File: 3729-13492

Dear Ms. Howard:

Enclosed please find the following for filing in the above referenced matter:

1. Petition for a Writ of Certiorari
2. Certificate of Service
3. $250.00 Filing Fee (Check to be delivered by hand under separate cover)

A copy of the Petition will be contemporaneously filed with the court of appeals. Thank you for your assistance in this matter.

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Mary Cothonneau Eldridge

MCE/mch
Enclosures,

cc: All Counsel of Record