

The State of South Carolina  
In the Court of Appeals

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Appeal from Chesterfield County  
Court of Common Pleas

The Honorable Paul M. Burch, Circuit Court Judge

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Case No. 2011-CP-13-271

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Auto-Owners Insurance Company ..... Appellant

v.

Elouise Woody Benjamin, Melvin Benjamin, Joshua  
Lee Cail, Naida L. Singleton, and Pee Dee Heating  
Cooling Specialists, Inc. .... Defendants

Of whom Elouise Woody Benjamin and Melvin  
Benjamin are the..... Respondents

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Reply on Motion to Strike  
the Initial Reply Brief

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The Benjamins moved to strike Auto-Owners's initial reply brief because the reply contradicts the initial brief's Statement of Facts. In response, Auto-Owners argues that its earlier Statement of Facts contains an error and acknowledges that the Benjamins could properly rely on the facts as stated. The Benjamins have since consulted with

Auto-Owners and confirmed that the error is indeed an error.

Auto-Owners proposes that the parties submit new initial briefs or that it not be bound by its Statement of Facts. The Benjamins agree that the Court should adopt Auto-Owners's Scenario A or B in which Auto-Owners submits a corrected Initial Brief, the Benjamins submit a new or edited response, and Auto-Owners submits a new reply.

The Benjamins object to Auto-Owners's proposed Scenario C. Allowing Auto-Owners to contradict its Statement of Facts would likely create further confusion.

Respectfully submitted,



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Robert N. Hill  
SC Bar # 65074

Law Offices of Robert Hill  
P.O. Box 51  
Newberry, SC 29108  
803-405-1629  
[attorneyhill@att.net](mailto:attorneyhill@att.net)

## Certificate of Service

I certify that I on January 6, 2014 served the Reply in Support of the Motion to Strike the Initial Reply Brief by first class mail, sufficient postage prepaid, addressed to:

Dominic A. Starr, Esq.  
Alan G. Jones, Esq.  
McAngus, Goudelock & Courie, L.L.C.  
P.O. Box 1349  
Myrtle Beach, SC 29578

Attorneys for the Appellant  
Auto-Owners Insurance

William P. Hatfield, Esq.  
The Hyman Law Firm, LLP  
P.O. Box 1770  
Florence, SC 29503-1770

Attorney for the Respondents Elouise Woody  
Benjamin and Melvin Benjamin



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Robert N. Hill

LAW OFFICES OF ROBERT HILL

1819 MCHARDY STREET  
P.O. BOX 51  
NEWBERRY, SOUTH CAROLINA 29108

ROBERT N. HILL  
ATTORNEY AT LAW

TELEPHONE  
803-405-1629

FACSIMILE  
803-276-4181

EMAIL  
attorneyhill@att.net

January 6, 2014

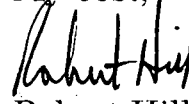
Hon. Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Auto-Owners Insurance Co. v. Benjamin  
Civil Action No. 2011-CP-13-271

Dear Ms. Kitchings:

Enclosed is the original and six copies of the Respondents' Reply on Motion to Strike the Initial Reply Brief. The certificate of service is attached to the Reply.

My best,



Robert Hill

cc: William P. Hatfield, Esq.  
Dominic A. Starr, Esq.

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