

The State of South Carolina  
In the Court of Appeals

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71088

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

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JAN 27 2014

**SC Court of Appeals**

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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**Motion to Toll the Time for Final Briefs Pending  
a Ruling on the Motion to Strike the Reply Brief**

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Final briefs are now due by February 3, 2014. The Benjamins move to toll this deadline until the Court resolves their motion to strike.

The Benjamins moved to strike Auto-Owners's initial reply because the reply contradicts Auto-Owners's opening Statement of Facts. Auto-Owners responded that its Statement of Facts contains an error and

acknowledged that the Benjamins could have properly relied on the error in drafting their initial brief.

To resolve the motion to strike, Auto-Owners proposed that the parties submit new briefs or that it not be bound by its Statement of Facts. The Benjamins then agreed that the Court should allow the parties to submit new briefs but argued that Auto-Owners should not be allowed to contradict its Statement of Facts.

The Court should toll the deadline for final briefs until the Court rules on the motion to strike. Otherwise, the parties may wind up preparing, filing, and serving two sets of final briefs.

Respectfully submitted,



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Robert N. Hill  
SC Bar # 65074

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## Certificate of Service

I certify that I on January 23, 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.  
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Attorney for the Respondents Elouise Woody  
Benjamin and Melvin Benjamin



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Robert N. Hill

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January 23, 2014

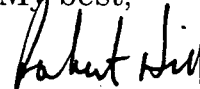
Hon. Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Auto-Owners Insurance Co. v. Benjamin  
Civil Action No. 2011-CP-13-271  
**Appellate Case No. 2013-001321**

Dear Ms. Kitchings:

Enclosed is the original and six copies of the Respondents' Motion to Toll the Time for Final Briefs. The certificate of service is attached to the motion, and a \$ 25 check is enclosed.

My best,



Robert Hill

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

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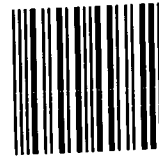
**SC Court of Appeals**

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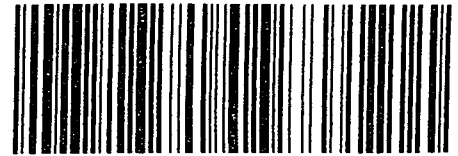


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