

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2011-CP-10-2444

RECEIVED

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SC Court of Appeals

Stow Away Storage, LLC,.....Respondent
vs.

George W. Sisson, 4.0, LLC, The Sisson Foundation Limited
Partnership, Sweetgrass Hardware, Inc., and Timarand, Inc.,.....Defendants

of Whom

George W. Sisson, 4.0, LLC, The Sisson Foundation Limited
Partnership, and Sweetgrass Hardware, Inc., are.....Appellants

REPLY TO APPELLANTS' RETURN

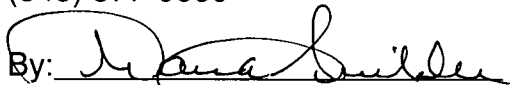
The Appellants, in their Return to Respondent's Motion to Remand, ignore Judge Nicholson's Statement, at page 2 of his Order that "the legal and equitable issues were bifurcated by the Court from the issues of damages and injunctive relief". That statement makes it clear that he intended to hear the remaining issues at a subsequent hearing. Furthermore, they ignore the provisions of SCRCP 54 (b), which specifically provides that in the absence of "an express determination that there is no just reason for delay" and "upon an express direction for the entry of judgment", "any order or other

form of decision, however designated, which adjudicates fewer than all the claims... shall not terminate the action as to any of the claims..."

As previously stated, Judge Nicholson did not expressly determine there was no reason to delay nor did he expressly direct the entry of judgment. Therefore, his Order adjudicating liability and injunctive relief is not final until the remaining issues are heard and adjudicated.

Respectfully Submitted,

WARREN & SINKLER, L.L.P.
Post Office Box 1254
Charleston, SC 29402
(843) 577-0660

By: 

G. DANA SINKLER
Attorney for Respondent

Charleston, South Carolina

February 4, 2014

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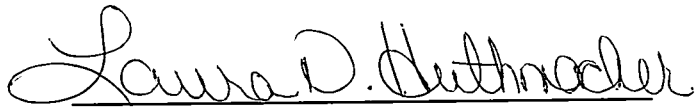
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PROOF OF SERVICE

The undersigned hereby certified that a true copy of the Reply to Appellants' Return has been served upon G. Hamlin O'Kelley, III and Maria E. Kiehling, counsel for the Appellants at 652 Coleman Boulevard, Suite 200, Mt. Pleasant, SC 29464, by United States mail, first class, postage prepaid on the 4th day of February, 2014.



Laura D. Huthmacher, Assistant
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writer's email: lhuthmacher@warren-sinkler.com

February 4, 2014

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

Re: Stow Away Storage, LLC v. George W. Sisson, et al.
Case No. 2011-CP-10-2444

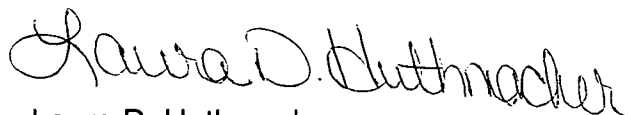
Dear Ms. Kitchings:

Enclosed please find an original Reply to Appellants' Return and Proof of Service along with (7) copies of each.

Please file the original and return to me a copy in the self-addressed stamped envelope.

Yours respectfully,

WARREN & SINKLER, LLP



Laura D. Huthmacher
Assistant to G. Dana Sinkler

GDS/ldh
Enclosures

cc: G. Hamlin O'Kelley, III, Esquire (with enclosures)
Maria E. Kiehling, Esquire (with enclosures)
The Honorable Julie J. Armstrong (with enclosures)
The Honorable J.C. Nicholson, Jr. (with enclosures)

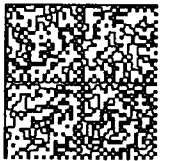
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SC Court of Appeals

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CHARLESTON, SOUTH CAROLINA 29402

To: The Honorable Jenny Abbott Kitchings
Clerk of South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211



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