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January 31, 2014

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The Honorable V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Robin E. Otterbacher v. Jeremy and Tamara Snyder, individually and as guardians and parents of Blaze Kendall Snyder, Blaze Kendall Snyder individually, Selective Insurance Company of America and Auto-Owners Insurance Company
Appeal Case Number: 2013-000821
Civil Action Number: 2011-CP-40-1022
Claim Number: 21062140
Our File Number: 307.8676

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FEB 05 2014

Dear Ms. Allen:

SC Court of Appeals

I am in receipt of your letter dated January 27, 2014, directed to Jeremy and Tamara Snyder and advising the Snyders that they may file an Initial Brief. I am not certain what may have precipitated this correspondence. In checking the on-line docket, I did not see any motion or letter from the Snyders requesting such an opportunity nor have I received a copy of any such motion or letter.

While Appellant's counsel and the Court have treated the Snyders as Respondents in this appeal, I believe that is in error. On my Initial Brief, I included a caption that I believe correctly reflects the parties' standing – that Selective Insurance Company is the sole Respondent. Subsequently, the Court issued a letter directing that a different caption be used.

Importantly, the Snyders, while named as defendants in the Circuit Court, never filed an Answer nor made any formal appearance in the Circuit Court. If a party makes no appearance in the lower court, I am unaware of any authority that allows that party to make an appearance for the first time on appeal. However, by now allowing the Snyders to file an Initial Brief, this Court is allowing just that. While the Snyders had the opportunity to make an appearance and take a position in this litigation in the Circuit Court, they chose not to do so. I do not believe that

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they should now have the opportunity to file a brief on appeal. For the same reason, I do not believe that the Snyders qualify as Respondents with respect to this appeal.

From a procedural standpoint, I am uncertain how to proceed. To my knowledge, there has been no motion by the Snyders to file an initial brief. If there had been, I would have responded to that motion with the position stated in this letter. If such a motion was filed, I never received it and would appreciate being provided with the motion.

Thank you for your assistance with this issue. I would appreciate any clarification that the Court may provide.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/

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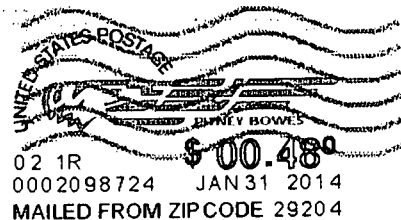
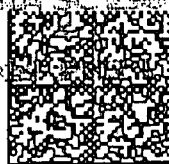
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