

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity and Circuit Court Judge for Beaufort County
Case No.: 2011-CP-07-02216

Appellate Case No.: 2012-213582

71556

HELENA P. TIRONE AND TRUMAN'S ECLECTIC IRISH PUB, INC..... Respondents

-vs.-

THOMAS W. DAILEY..... Appellant

RESPONDENTS' RETURN TO APPELLANT'S MOTION FOR LEAVE TO FILE
FINAL REPLY BRIEF OUT OF TIME

Respondents hereby make the following Return to Appellant's Motion for Leave to File Final Reply Brief Out of Time. Respondents oppose the Motion for the following reasons:

1. The Motion is untimely filed because it was filed **after** oral arguments were held, despite Appellant having ample time to file this Motion prior to oral arguments. The Court informed Appellant by letter dated February 10, 2014 that his Reply Brief would not be considered, and oral arguments were held on March 5, 2014. Appellant waited until March 7, 2014 to file this motion.

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SC Court of Appeals

2. Allowing Appellant to file his Reply Brief after oral arguments would be prejudicial to Respondents. Respondents' counsel prepared for oral arguments with the understanding that the arguments set forth in Appellant's Reply Brief would not be considered by the Court.

3. Allowing Appellant to file his Reply Brief after oral arguments would also be prejudicial to the Court itself because the Panel presumably formulated and developed its questions without considering Appellant's Reply Brief. The same prejudice would also result for each law clerk who assisted the Panel in preparing an oral argument.

4. The arguments contained in the Reply Brief were not fully presented during oral arguments.

5. The record and arguments properly and currently before the Court provide ample basis for the Court "to prepare an opinion with sound reasoning," despite Appellant's contentions to the contrary.

For these reasons, Respondents ask this Court to deny Appellant's Motion for Leave to File Final Reply Brief Out of Time in the above-captioned matter.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENTS

Beaufort, South Carolina
March 11, 2014

THE STATE OF SOUTH CAROLINA
Beaufort County of Common Pleas

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity and Special Circuit Judge for Beaufort County
Case No.: 2011-CP-07-02216

Appellate Case No.: 2012-213582

HELENA P. TIRONE AND TRUMAN'S ECLECTIC IRISH PUB..... Appellants

-vs.-

THOMAS W. DAILEY..... Respondent

CERTIFICATE OF SERVICE

The undersigned, Andrea Smith, hereby avers that she is a Paralegal with TWENGE + TWOMBLEY LAW FIRM, Attorneys for Respondents, and that on the 11th day of March 2014 a true and accurate copy of the attached Respondent's Return to Appellant's Motion for Leave to File Final Reply Brief Out of Time was placed in an envelope with first class postage thereon prepaid through the United States Postal Service and mailed to the following:

André DuBose Rembert, Esquire
17 Clemson Street, Charleston, SC 29403
Telephone: (843) 518-3232
andrerebert@gmail.com
Attorney for Appellant

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BY:



Andrea Smith, Paralegal to
TWENGE + TWOMBLEY LAW FIRM