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Of Counsel:
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David L. Suggs (MN & NY only)

May 13, 2014

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S.C. SUPREME COURT

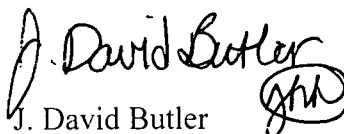
Mr. Daniel E. Shearhouse
Clerk of Court
Supreme Court of South Carolina
P. O. Box 11330
Columbia, SC 29211

Re: **Julie Freeman v. JLH Investments, LP, a/k/a Hendrick Honda of Easley**
Case No. 2012-CP-39-01554
Appellate Case No. 2014-000642

Dear Mr. Shearhouse:

Enclosed please find an original and six copies of the Appellant-Respondent's Motion to Certify in the above referenced matter. A copy is being served on all counsel of record via U.S. Mail. Two copies have also been sent to the Clerk of Court for the South Carolina Court of Appeals at the address referenced below and a stamped self-addressed envelope for a filed stamped copy of the Motion to be returned to our office. Also enclosed is my firm's check in the amount of \$25.00 for the filing fee. If you have any questions or concerns, please do not hesitate to contact me. With kindest regards I am,

Sincerely,


J. David Butler

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SC Court of Appeals

JDB/jhh
Enclosure

cc: Ms. Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
P. O. Box 11629
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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, Circuit Court Judge

Case No. 2012-CP-39-01554
Appellate Case No. 2014 - 000642

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SC Court of Appeals

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Julie Freeman.....Appellant – Respondent

v.

J.L.H. Investments, LP, a/k/a
Hendrick Honda of Easley Respondent – Appellant

APPELLANT- RESPONDENT’S MOTION TO CERTIFY

Pursuant to Rule 240 and Rule 204(b), SCACR, Appellant – Respondent
Julie Freeman respectfully requests that this Court certify the consolidated appeal
in this matter from the Court of Appeals for expedited review.

BACKGROUND

The underlying action was brought by Julie Freeman against the
Respondent – Appellant J.L.H. Investments, LP a/k/a Hendrick Honda of Easley
("Hendrick Honda") on behalf of herself and other car purchasers who alleged
they were charged unfair and arbitrary "closing fees" or "administrative fees" in
violation of the Motor Vehicle Dealers Act.¹ This case is one of a number of
cases pending against numerous car dealers who charged such fees where, as here,

¹ S.C. Code Ann. §56-15-10 *et. seq.*

the plaintiffs allege the fees had no basis and were not charged for the purpose of reimbursing the car dealers for their actual closing costs.

This case was tried over the course of four days in Pickens County, South Carolina from September 16, 2013 to September 19, 2013 before The Honorable Doyet A. Early. A jury of twelve unanimously found in favor of the Plaintiff and issued a verdict returning all of the unfairly collected closing fees to Mrs. Freeman and the purchasers she represents. The jury found that Hendrick Honda violated the Motor Vehicle Dealers Act by unfairly and arbitrarily charging closing fees that were not for the purpose of reimbursing Hendrick Honda for its actual closing costs.

Post-trial motions were heard on December 4, 2013 with orders on those motions subsequently entered. Appellant – Respondent timely appealed the Order of the Honorable Doyet E. Early filed March 17, 2013, in which the court ruled upon her Motion for Prejudgment Interest. Respondent – Appellant timely appealed the Order by the same court filed on March 17, 2014 in which the court denied its motion for Judgment Notwithstanding the Verdict or, In the Alternative, a New Trial Nisi Remittitur. These appeals were consolidated before the Court of Appeals by letter dated April 30, 2014. A briefing schedule has not been issued yet and final briefs and the Record on Appeal have not been filed.

DISCUSSION

Rule 204(b) SCACR provides:

(b) Certification by Supreme Court. In any case which is pending before the Court of Appeals, the Supreme Court may, in its discretion, on motion of any party to the case, on request by the Court of Appeals, or on its own motion, certify the case for review

by the Supreme Court before it has been determined by the Court of Appeals. Certification is normally appropriate where the case involves an issue of significant public interest or a legal principle of major importance. The effect of such certification shall be to transfer jurisdiction over the case to the Supreme Court for all purposes.

This Court has never published any specific standards by which it considers a request for certification, although the Rule provides some guidance as to when certification is “normally appropriate.” At its core, whether to certify a case for review is within this Court’s broad discretion.

There are numerous related cases pending at the trial court level that have been stayed by Judge Early which involve similar facts, allegations, and legal issues to those at issue in this appeal. These cases have been pending since 2006. Judge Early has recently issued two additional stay orders staying other similar cases pending the resolution of this appeal. The rulings in this appeal will likely benefit all parties in the related cases and help the judicial system expedite the resolution of these cases. Based on the foregoing, Appellant – Respondent respectfully submits that the issues raised in this appeal involve issues of significant public importance as well as legal principles of major importance.

CONCLUSION

Appellant-Respondent, respectfully requests that this Court issue an Order certifying this case from the Court of Appeals pursuant to Rule 204(b) SCACR and expedite review of this case. *See* Rule 263(b) SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal...may be extended or shortened by the appellate court, or by any judge or justice thereof.”)

Respectfully submitted,

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This 13th day of May 2014.

Attorneys for the Appellant – Respondent

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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The Honorable Doyet A. Early, Circuit Court Judge

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Appellant – Respondent's Motion to Certify in the above referenced case has been served upon opposing counsel specified below by U.S. Mail this 13th day of May 2014.

Counsel Served:

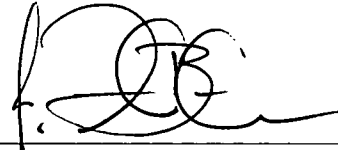
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J. David Butler
Attorney for Appellant – Respondent

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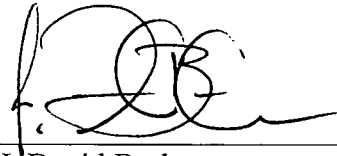
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Attorney for Appellant – Respondent

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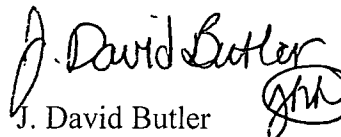
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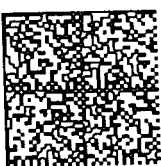
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