

Haynsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH
WASHINGTON, DC

COPY

1201 MAIN STREET, 22ND FLOOR (29201-3226)
POST OFFICE BOX 11889 (29211-1889)
COLUMBIA, SOUTH CAROLINA
TELEPHONE 803.779.3080
FACSIMILE 803.765.1243
www.hsblawfirm.com

Via Hand Delivery

May 23, 2014

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

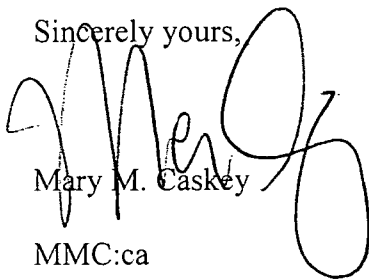
RE: *Julie Freeman v. J.L.H. Investments, LP a/k/a Hendrick Honda of Easley*
Civil Action No. 2012-CP-39-01554
Appellate Case No. 2014-000642
HSB File No. 32239.0001

Dear Mr. Shearouse:

Enclosed for filing are the original and seven copies of the Return Motion to Certify Appeal in the above-referenced matter. Please return a clocked copy of the Return Motion to me via my courier.

Please note service on the Appellant-Respondents by copy of this letter.

Sincerely yours,



Mary M. Caskey

MMC:ca
Enclosures

cc: The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals
Attorneys for Appellant-Respondent
Attorneys for Respondent-Appellant (via e-mail only)

RECEIVED
MAY 27 2014
SC COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III

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

RECEIVED
MAY 27 2014
SC Court of Appeals

Julie Freeman Hair,

Appellant-Respondent,

v.

J.L.H. Investments, LP, aka Hendrick Honda of Easley,

Respondent-Appellant.

RETURN TO APPELLANT-RESPONDENT'S MOTION TO CERTIFY

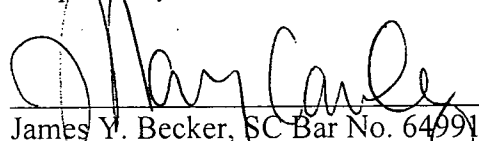
Respondent-Appellant J.L.H. Investments, LP, a/k/a Hendrick Honda of Easley ("Hendrick Honda") files this return to Appellant-Respondent's Motion to Certify to this Court pursuant to Rule 204(b), SCACR. Hendrick Honda neither consents to nor opposes the request to certify, but rather leaves that decision to the Court's sound discretion.

Hendrick Honda does, however, oppose Appellant-Respondent's request to expedite the briefing by the parties and the Court's review of this appeal. This request is directly contrary to the briefing schedule requested by both parties in a Joint Motion for Briefing Schedule and to

Exceed Page Limits ("Joint Motion") filed with the Court of Appeals on May 2, 2014 (attached as Exhibit A).

In the Joint Motion, the parties requested additional time and pages to address the lengthy procedural history and numerous legal arguments presented in the appeal of this case, which has been pending since 2006. Nothing in the current history of this case suggests that either party is pursuing a strategy of delay. Both parties ordered and received the trial transcript before the trial court ruled on post-trial motions filed by both parties. The cross-notice of appeal were filed promptly after the final order was received by the parties. There is no reason to believe that either party will not promptly and diligently perform the acts necessary to bring this matter for argument and resolution before either this Court or the Court of Appeals. That said, Hendrick Honda believes some extra time is warranted in the briefing stage for full and efficient briefing on the issues to be presented and Appellant-Respondent has joined in that request. Hendrick Honda should not be penalized, at this early stage of the proceedings simply because there are other cases waiting for a decision on the issues presented in this case. Therefore, Hendrick Honda asks that a briefing schedule be set consistent with the parties' previously filed Joint Motion.

Respectfully submitted,



James Y. Becker, SC Bar No. 64991
Mary M. Caskey, SC Bar No. 76198
Haynsworth Sinkler Boyd, PA
Post Office Box 11889
Columbia, SC 29211
(803) 779-3080

Sarah P. Spruill, SC Bar No. 68337
Haynsworth Sinkler Boyd, PA
Post Office Box 2048
Greenville, SC 29602
(864) 240-3200

Marvin D. Infinger, SC Bar No. 2880
Nexsen Pruet, LLC
PO Box 486
Charleston, SC 29402
(843) 579-7834

John T. Lay, SC Bar No. 64526
Gallivan, White & Boyd, PA
1201 Main St., Ste. 1200
Columbia, SC 29201
(803) 724-1800

Attorneys for Respondent-Appellant

May 23, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III

2012-CP-39-01554

RECEIVED

MAY 02 2014

SC Court of Appeals

Julie Freeman Hair,

Appellant-Respondent,

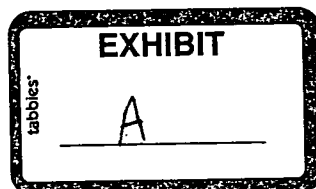
v.

J.L.H. Investments, LP, aka Hendrick Honda of Easley,

Respondent-Appellant.

JOINT MOTION FOR BRIEFING SCHEDULE AND TO EXCEED PAGE LIMITS

The initial appellants' briefs in this cross-appeal are currently due on May 5, 2014. Due to the lengthy history of this case, the complexity of the issues presented, and the volume of the transcripts from the week-long trial and incidental hearings in this matter, the parties respectfully request a sixty-day extension of time to file initial appellants' briefs and designations of matter to be included in the record on appeal, making them due on July 8, 2014. The parties further request a briefing schedule that provides the parties will have sixty days from service of the other party's initial appellant's brief to file an initial respondent's brief and counter-designation of matter to be included in the record

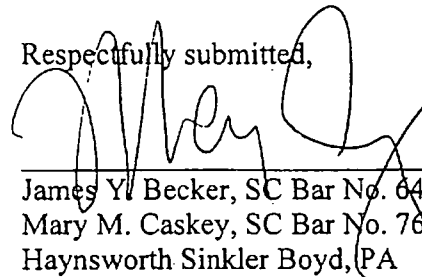


on appeal, and thirty days from service of the initial respondent's brief to file a reply brief and any additional designations of matter to be included in the record on appeal.

In addition, Respondent-Appellant J.L.H. Investments, LP, aka Hendrick Honda of Easley ("Hendrick Honda") moves pursuant to Rule 240, SCACR to exceed the page limitations in Rule 208(b)(5), SCACR for its initial appellant's brief in this appeal. This case has been pending since 2006, culminating in a week-long jury trial. Hendrick Honda anticipates that it will need more than fifty pages to adequately brief the procedural history, facts, and legal arguments to be addressed. For that reason, Hendrick Honda respectfully requests that it be allowed to file an initial appellant's brief not to exceed 75 pages. Appellant-Respondent Julie Freeman Hair similarly requests that she be allowed to file an initial respondent's brief not to exceed 75 pages.

The parties also request that all deadlines be stayed pending resolution of this motion.

Respectfully submitted,



James Y. Becker, SC Bar No. 64991
Mary M. Caskey, SC Bar No. 76198
Haynsworth Sinkler Boyd, PA
Post Office Box 11889
Columbia, SC 29211
(803) 779-3080

Sarah P. Spruill, SC Bar No. 68337
Haynsworth Sinkler Boyd, PA
Post Office Box 2048
Greenville, SC 29602
(864) 240-3200

Marvin D. Infinger, SC Bar No. 2880
Nexsen Pruet, LLC
PO Box 486
Charleston, SC 29402
(843) 579-7834

John T. Lay, SC Bar No. 64526
Gallivan, White & Boyd, PA
1201 Main St., Ste. 1200
Columbia, SC 29201
(803) 724-1800

Attorneys for Respondent-Appellant

Brady Ryan Thomas, with permission by
Brady Ryan Thomas, Esq. *Marylanley*
Terry E. Richardson, Jr., Esq.
Richardson Patrick Westbrook & Brickman, LLC
PO Box 1368
Barnwell, SC 29812

Michael E. Spears, Esq.
Michael Spears, PA
PO Box 5806
Spartanburg, SC 29304

Richard A. Harpootlian, Esq.
Richard A. Harpootlian, P.A.
PO Box 1090
Columbia, SC 29202

A. Camden Lewis, Esq.
James M. Griffin, Esq.
Margaret N. Fox, Esq.
Lewis, Babcock & Griffin L.L.P.
PO Box 11208
Columbia, SC 29211

Gedney M. Howe, III, Esq.
Law Office of Gedney M. Howe, III, PA
PO Box 1034
Charleston, SC 29402

Attorneys for Appellant-Respondent

May 2, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III

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

Julie Freeman Hair,

Plaintiff/Appellant-Respondent,

v.

J.L.H. Investments, LP, aka Hendrick Honda of Easley,

Defendant/Respondent-Appellant.

PROOF OF SERVICE

I certify that I have served the Return to Motion to Certify on May 23, 2014,
addressed to the following counsel of record for Appellant-Respondent:

Brady Ryan Thomas, Esq.
Terry E. Richardson, Jr., Esq.
Richardson Patrick Westbrook & Brickman, LLC
P.O. Box 1368
Barnwell, SC 29812
bthomas@rpwb.com
trichardson@rpwb.com

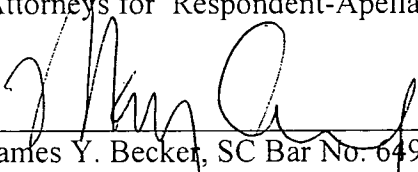
Michael E. Spears, Esq.
Michael Spears, PA
P.O. Box 5806
Spartanburg, SC 29304
mspears@mikespearspa.com

Richard A. Harpootlian, Esq.
Richard A. Harpootlian, P.A.
P.O. Box 1090
Columbia, SC 29202
rah@harpootlianlaw.com

A. Camden Lewis, Esq.
James M. Griffin, Esq.
Margaret N. Fox, Esq.
Lewis, Babcock & Griffin L.L.P.
P.O. Box 11208
Columbia, SC 29211
acl@lbglegal.com
jmg@lbglegal.com
mnf@lbglegal.com

Gedney M. Howe, III, Esq.
Law Office of Gedney M. Howe, III, PA
P.O. Box 1034
Charleston, SC 29402
ghowe@gedneyhowe.com

Attorneys for Respondent-Appellant



James Y. Becket, SC Bar No. 64991
Sarah P. Spruill, SC Bar No. 68337
Mary M. Caskey, SC Bar No. 76198
Post Office Box 11889
Columbia, South Carolina 29211
(803) 779-3080