

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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FEB 2014  
SC Court of Appeals

APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

The Honorable Doyet A. Early, III

72361

Appellate Case No. 2014-000642

Julie Freeman Hair,

Plaintiff/Appellant-Respondent

v.

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

Defendant/Respondent-Appellant

**MOTION TO INTERVENE**

Dick Dyer & Associates, Inc. ("Dick Dyer") hereby moves to intervene in the above-captioned appeal. Dick Dyer was a party to parts of the proceedings below. It and Respondent-Appellant Hendrick Honda of Easley ("Hendrick Honda") were two of seven defendants jointly sued in a single complaint by Appellant-Respondent Julie Freeman Hair ("Hair") and others in an action captioned *Heather Herron, et al v. Century BMW, et al*, Civil Action No. 2006-CP-02-1230. Hendrick Honda and Dick Dyer were co-defendants in this action for more than six years before the cases were severed and assigned new case numbers. During that six year period, the trial court issued a number of orders to which *both* Hendrick Honda and Dick Dyers were parties. Two of those orders are on appeal in this case: (1) the Order Denying Defendants'

Motion to Dismiss dated July 31, 2007; and (2) Order on Plaintiff's Rule 41(A) Motion to Voluntarily Dismiss Certain Defendants and Defendants' Rule 59(E) Motion to Reconsider the Denial of Their Motions to Dismiss on Certain Grounds dated January 31, 2008.

Dick Dyer would therefore show this Court that:

1. Although its case has not yet concluded, Dick Dyer is a named party on two orders currently on appeal in this action, and this appeal will affect the mode of trial in Dick Dyer's pending case, *Michael Blease v. Dick Dyer & Associates, Inc.*, Civil Action No. 2013-CP-02-00240;
2. Dick Dyer therefore has an interest in the subject matter of this appeal, and disposition of this action may, as a practical matter, impair or impede its ability to protect that interest. A decision rendered in this appeal will involve the exact same order, the exact same issues, and the exact same record as an appeal of these same matters made at the conclusion of Dick Dyer's pending action. The decision in this appeal may serve as binding precedent, and effectively determine Dick Dyer's rights. Dick Dyer will be prejudiced if it is not permitted to participate in appeal of orders to which it is a party and which will so clearly affect its future interest.
3. Additionally, because Dick Dyer's pending case and this appeal arise from the same initial complaint in a single case, Dick Dyer's pending case and this appeal naturally have a number of common issues of law.

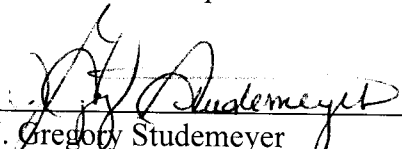
Dick Dyer therefore respectfully requests that it be permitted to intervene generally as an appellant on all issues of law raised by Hendrick Honda in this appeal. Alternatively, Dick Dyer requests that it be permitted to intervene in a limited capacity as an appellant on all issues related to the two orders which are currently on appeal and to which it is a party. If intervention is

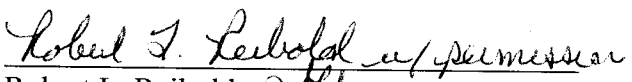
granted, Dick Dyer requests that it be allowed separate time at oral argument in order to prevent any prejudice to Hendrick Honda in the presentation of its case.

This motion is based upon applicable law, the Notice of Appeal filed by Hendrick Honda with attachments and on file with this Court, and Dick Dyer's brief in support of its motion to intervene, which is filed herewith.

I certify that counsel for Dick Dyer consulted with the parties to this appeal prior to filing this motion. Hendrick Honda does not object to this motion, although it does not consent to any reduction in time allotted at oral argument for the presentation of its case. Appellant/Respondent Julie Freeman Hair does not consent to the relief sought in this motion.

J. GREGORY STUDEMAYER  
Professional Corporation

  
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J. Gregory Studemeyer  
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Attorneys for Dick Dyer & Associates, Inc.

Columbia, South Carolina

June 2, 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
SC Court of Appeals

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APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge

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Appellate Case No. 2014-000642

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Julie Freeman Hair, individually and for the benefit of all car buyers whom paid "Administrative Fees" to Defendant

Respondent

v.

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

Appellant

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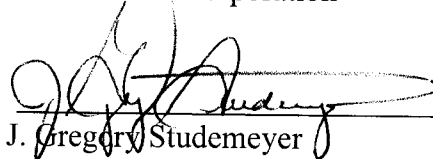
**PROOF OF SERVICE**

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I certify that I have served the Motion to Intervene and Brief In Support Of Motion To Intervene on J.L.H. Investments, L.P. a/k/a Hendrick Honda of Easley, by depositing copies of them in the United States Mail, postage prepaid, on June 2, 2014, addressed to its attorney of record, James Y. Becker, Esq. of Haynsworth Sinkler Boyd, P.A., Post Office Box 11889, Columbia, South Carolina 29211.

June 2, 2014

J. GREGORY STUDEMMEYER  
Professional Corporation



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