

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

**RECEIVED**  
JUN 13 2014  
**SC Court of Appeals**

---

Julie Freeman,

Appellant-Respondent,

v.

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

Respondent-Appellant

---

**APPELLANT-RESPONDENT JULIE FREEMAN'S RETURN IN OPPOSITION TO  
MOTION TO INTERVENE**

---

Appellant- Respondent Julie Freeman hereby files this Return in Opposition to Dick Dyer & Associates, Inc.'s ("Dick Dyer's") Motion to Intervene. The Court should deny the Motion to Intervene on the following grounds:

- (1) Defendant Dick Dyer requested and received severance from this action and should not now be permitted to change course and return to the case at this late hour;
- (2) Intervention would hinder judicial economy because it would unnecessarily result in numerous persons presenting duplicative briefing and oral argument to the Court; and
- (3) J.L.H., LP a/k/a Hendrick Honda of Easley's ("Hendrick") counsel is competent and there is no showing that Dick Dyer's interests are dissimilar from Hendrick such that it is necessary to have duplicative briefing and oral argument from Dick Dyer.

## DISCUSSION

**(1) Defendant Dick Dyer requested and received severance from this action and should not now be permitted to change course and return to the case at this late hour;**

The procedural history relevant to this issue is included in Judge Early's January 23, 2013 Order from the Michael Blease v. Dick Dyer & Associates, Inc. case which provides as follows:

[O]n June 12, 2012, the remaining Plaintiffs and Defendants in this action appeared before the Court for a status conference. At that time, all remaining Defendants had pending motions to sever their respective cases and transfer venue to the counties for each Defendant's principal place of business. Defendants, Dick Dyer & Associates, Inc. ("Dick Dyer") and Galeana Chrysler Jeep, Inc. ("Galeana"), reserved their rights to withdraw their motions to change venue, but not to sever, and subsequently withdrew their motions to transfer venue. On August 31, 2012, the Court approved a consent order resolving the remaining motions to sever and transfer venue. In that order, the claims of all Plaintiffs against their respective Defendants with whom they transacted business were severed for separate trials.

As shown above, Dick Dyer requested that the court below sever the Dick Dyer case from Appellant- Respondent Julie Freeman's case because Dick Dyer did not want to be a party to these proceedings. This relief was granted and Dick Dyer did not appeal that decision. This ruling is the law of the case and, thus, Dick Dyer should not now be allowed to rejoin this case. *See Quinn v. Sharon Corp.*, 343 S.C. 411, 416, 540 S.E.2d 474, 476 (Ct. App. 2000) ("a litigant cannot 'blow both hot and cold.'"). Accordingly, Dick Dyer & Associates, Inc.'s Motion to Intervene should be denied.

**(2) Intervention would hinder judicial economy because it would unnecessarily result in numerous persons presenting duplicative briefing and oral argument to the Court.**

There are numerous parties in the same position as Dick Dyer & Associates, Inc. If Dick Dyer is permitted to join this appeal (filing briefs/ presenting oral argument), then by definition Michael Blease, who is the Plaintiff in the Dick Dyer case, must be permitted to submit briefs

and present additional oral argument with the same time limits and page limits given to Dick Dyer. Moreover, this will open the door to other cases (with plaintiffs and defendants) that are similarly situated to also intervene. For example, the cases of Natalie Armstrong v. Galeana Chrysler Jeep, Inc., Heather Herron v. Overland, Inc. d/b/a Land Rover of Columbia, and Christine Watts v. Sonic Automotive 2752 Laurens Road, Greenville, Inc. d/b/a Century BMW may similarly all attempt to join in this appeal. The addition of any of these cases would result in a gross inefficiency with numerous persons presenting duplicative briefing and argument. Intervention is especially illogical in this case because this appeal follows a four-day jury trial and the only Parties that participated in the trial and post-trial motions at issue are the existing Parties in this appeal.<sup>1</sup>

Respectfully, judicial economy is best served by allowing the Appellant-Respondent Julie Freeman and the Respondent-Appellant J.L.H. Investments, LP, a/k/a Hendrick Honda of Easley to prosecute this appeal in the traditional two-party format.

**(3) J.L.H., LP a/k/a Hendrick Honda of Easley's counsel is competent and there is no showing that Dick Dyer's interests are dissimilar from Hendrick such that it is necessary to have duplicative briefing and oral argument from Dick Dyer.**

Hendrick is represented by fine lawyers from three different law firms including: Haynsworth, Sinkler Boyd, PA, Nexsen Pruet, LLC, and Gallivan White & Boyd, P.A. Dick Dyer makes no argument and must concede that these lawyers will adequately brief and argue all issues in this appeal. As such, there is no need justifying the addition of Dick Dyer's lawyers to present duplicative briefing and argument.

Moreover, Hendrick, who currently is facing a large jury verdict, has every incentive to present the issues adequately and thus Hendrick's interest aligns with Dick Dyer's interest.

---

<sup>1</sup> Two Parties participated in the jury trial and post-trial motions and thus those same two Parties should participate in the appeal.

Accordingly, there is no valid reason for Dick Dyer to be added to this appeal because Dick Dyer's interests, if any, are protected by Hendrick and its lawyers.

**CONCLUSION**

For the foregoing reasons, Appellant- Respondent Julie Freeman requests that Dick Dyer & Associates, Inc.'s Motion to Intervene be denied.

RICHARDSON, PATRICK, WESTBROOK  
& BRICKMAN, LLC



---

Terry E. Richardson  
J. David Butler  
Brady R. Thomas  
1730 Jackson Street  
Post Office Box 1368  
Barnwell, SC 29812  
Telephone: 803-541-7850  
Facsimile: 803-541-9625

A. Camden Lewis  
LEWIS, BABCOCK & GRIFFIN, LLP  
P.O. Box 11208  
Columbia, SC 29211  
Telephone: 803-771-8000

Gedney M. Howe, III  
GEDNEY M. HOWE, III, P.A.  
P.O. Box 1034  
Charleston, SC 29402  
Telephone: 843-772-8048  
Facsimile: 843-722-2140

Michael E. Spears  
MICHAEL E. SPEARS, P.A.  
P.O. Box 5806  
Spartanburg, SC 29304-5806  
Telephone: 864-583-3535  
Facsimile: 864-583-3525

Attorneys for the Appellants

OTHER COUNSEL OF RECORD:

James Y. Becker  
Mary Caskey  
Haynsworth Sinkler Boyd, PA  
P.O. Box 11889  
Columbia, SC 29211

Sarah P. Spruill  
Haynsworth Sinkler Boyd, PA  
P.O. Box 2048  
Greenville, SC 29602

Marvin D. Infinger  
Nexsen Pruet, LLC  
P.O. Box 486  
Charleston, SC 29402

John T. Lay, Jr., Esquire  
Gallivan, White & Boyd, P.A.  
Post Office Box 7368  
Columbia, South Carolina 29202

Attorneys for the Respondents

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

**RECEIVED**  
JUN 13 2014  
SC Court of Appeals

---

Julie Freeman,

Appellant-Respondent,

v.

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

Respondent-Appellant

---

CERTIFICATE OF SERVICE

---

The undersigned attorney hereby certifies that a true copy of the Appellant's Return in Opposition to Motion to Intervene in the above referenced case has been served upon opposing counsel by U.S. Mail this 11<sup>th</sup> day of June 2014.



---

Brady R. Thomas, Esq.  
Attorney at Law

Attorney for Appellant.



RICHARDSON, PATRICK,  
WESTBROOK & BRICKMAN, LLC

BRADY R. THOMAS  
DIRECT DIAL: (803) 541-7838  
EMAIL: [bthomas@rpwb.com](mailto:bthomas@rpwb.com)

Jena L. Borden (IL & MO only)  
James C. Bradley  
Michael J. Brickman  
Nina Fields Britt  
Elizabeth Middleton Burke  
J. David Butler  
Aaron R. Dias  
D. Charles Dukes  
Jerry Hudson Evans  
H. Blair Hahn  
Daniel S. Haltiwanger  
Gregory A. Lofstead  
Christiaan A. Marcum  
Katie McElveen  
Christopher J. Moore  
Karl E. Novak  
Misty Black O'Neal  
Christine C. Ormand  
Kimberly Keever Palmer  
Charles W. Patrick, Jr.  
Terry E. Richardson, Jr.  
Thomas D. Rogers  
A. Hoyt Rowell, III  
Brady R. Thomas  
T. Christopher Tuck  
James L. Ward, Jr.  
Edward J. Westbrook  
Kenneth J. Wilson  
Robert S. Wood

June 11, 2014

RECEIVED  
JUN 18 2014  
SC Court of Appeals

Of Counsel:  
Gordon C. Rhea (CA, DC & USVI only)  
David L. Suggs (MN & NY only)

Hon. Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Julie Freeman, Appellant, v. J.L.H. Investments, LP a/k/a Hendrick Honda,  
Respondent-Appellant  
Appellate Case No.: 2014-000642

Dear Ms. Kitchings:

Please find enclosed an original and seven copies of Appellant, Julie Freeman Hair's, Return in Opposition to Motion to Intervene in the above referenced case and a certificate of service showing service upon all counsel of record. Please return one stamped copy to me in the enclosed postage paid return envelope.

With highest regards, I am

Sincerely,

  
Brady R. Thomas

Cc: A. Camden Lewis, Esq.  
Gedney M. Howe, III, Esq.  
Michael E. Spears, Esq.  
James Y. Becker, Esq.  
Mary Caskey, Esq.  
Sarah P. Spruill, Esq.  
Marvin D. Infinger, Esq.  
John T. Lay, Jr., Esq.

**RWB** RICHARDSON, PATRICK  
WESTBROOK & BRICKMAN, LLC

P.O. BOX 1368, 1730 JACKSON ST. BARNWELL, SC 29812

**RECEIVED**

JUN 13 2014

**SC Court of Appeals**

Hon. Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211