

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2012CP3600484

Discover Bank,

Respondent,

v.

Samantha Hendrix,

Appellant.

**RECEIVED**

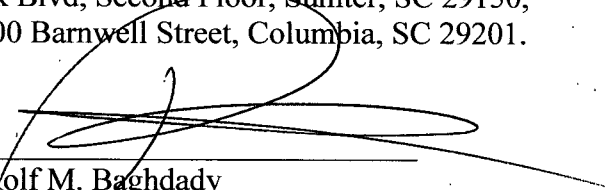
AUG 13 2014

**SC Court of Appeals**

PROOF OF SERVICE

I certify that I have served a copy of the required certificates of counsel, of the record on appeal, the final brief, and the final reply brief, together with a copy of the revised captions, on Respondent Discover Bank by depositing these copies in the United States Mail, postage prepared, on August 13, 2014, addressed to its attorneys of record, Timothy Lee Griffith, 360 W Wesmark Blvd, Second Floor, Sumter, SC 29150, and Sheila M. Bias and S. Nelson Weston, 1900 Barnwell Street, Columbia, SC 29201.

August 13, 2014

  
\_\_\_\_\_  
Rolf M. Baghdady  
118 Cobblestone Court  
Chapin, South Carolina 29036-9705  
803-345-7653  
Attorney for Appellant

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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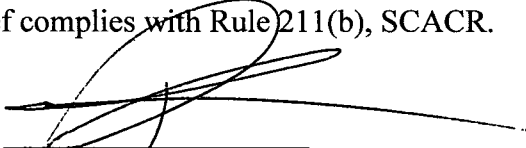
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CERTIFICATE OF COUNSEL

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The undersigned certified that this Final Brief complies with Rule 211(b), SCACR.

August 12, 2014



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Rolf M. Baghdady  
118 Cobblestone Court  
Chapin, SC 29036-9705  
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*Rolf M. Baghdady, P.A.*  
*Attorney and Counselor at Law*  
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August 13, 2014

**VIA HAND DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Edgar Brown Building  
1205 Pendleton Street  
Columbia, South Carolina 29201

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

Re: Discover Bank, Respondent v. Samantha P. Hendrix, Appellant  
Appellant Case No.: 2014-000142  
Civil Action No.: 2012-CP-36-00484

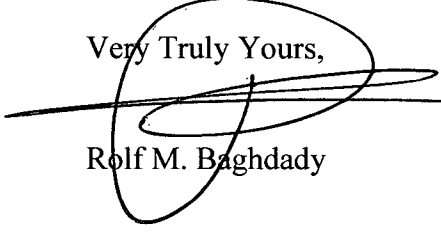
Dear Ms. Kitchings,

Enclosed please find for filing:

- (1) Proof of service of the required certificates of counsel, of the record on appeal, the final brief, and the final reply brief, together with a copy of the revised captions;
- (2) Certificates of counsel for record on appeal, final brief, and final reply brief;
- (3) Corrected cover captions for records and briefs already filed.

Thank you.

Very Truly Yours,

  
Rolf M. Baghdady

Cc: Timothy Lee Griffith, 360 W Wesmark Blvd, Second Floor, Sumter, SC 29150  
Sheila M. Bias and S. Nelson Weston, 1900 Barnwell Street, Columbia, SC 29201

*Admitted to Practice in South Carolina, Georgia, Florida, and New York*

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Re: Discover Bank, Respondent v. Samantha P. Hendrix, Appellant  
Appellant Case No.: 2014-000142  
Civil Action No.: 2012-CP-36-00484

**SC Court of Appeals**

Dear Ms. Kitchings,

This letter is a reply to the Rule 208(b)(7) SCAR letter of Respondents' counsel to the court dated August 8, 2014.

Appellant respectfully posits that the cases cited in conjunction with Page 4, Issue B: Strickland v. Consolidated Energy Prod. Co., 274 S.C. 554, 265 S.E.2d 682 (1980), and Connell v. Connell, 249 S.C. 162, 153 S.E.2d 396 (1967), were decided before the adoption of the SCRPC in 1985 and under the former code pleading rules of 1870 which REQUIRED a voluntary appearance. Professor Flanagan states "The third sentence of Rule 12(b) provides that none of the Rule 12(b) defenses are waived by being joined with other defenses. This sentence abolishes the prior practice of the special appearance. Under that procedure, a special appearance was limited to challenging jurisdiction." Professor James F. Flanagan *South Carolina Civil Procedure* P.88 2d Ed 1996.

Very Truly Yours,

  
Rolf M. Baghdady

*Admitted to Practice in South Carolina, Georgia, Florida, and New York*

Page 2

The Honorable Jenny Abbott Kitchings

August 13, 2014

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