

Ballard & Watson
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PERSISTENT. UNWAVERING.

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August 27, 2014

Via Hand-Delivery

Honorable Daniel E. Shearouse
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED

AUG 27 2014

S.C. Supreme Court

Re: *1634 Main, LP vs. Shirley Hammer vs. Howard Hammer and Hammer v Hammer*
Appellate Case No: 2014-000965

Dear Dan:

Please find enclosed for filing an original and sixteen (16) copies of the Final Brief of Respondent. Also enclosed is our Certificate of Service. Please file the original and fifteen (15) copies with the court and return a clocked copy to our courier.

As noted in the Final Brief, our ROA citations are to the version of the ROA that was emailed to us by Appellant's counsel on August 25, 2014; because counsel advised that the ROA served on us by mail on August 21, 2014 was not accurate. (See correspondence attached). We requested that the ROA be restructured to accurately reflect the composition of pleadings; but that was not done. (See additional attachments). We have not yet been served with a final ROA; but we worked from the copy we received from Mr. Aiken by email on August 25, 2014. *Id.* Debbie advised us to submit our final brief based on what we had received, so we have done so. We are not making an issue of the failure to serve us with a copy of the correct ROA; we simply wanted to inform you what version of the ROA our citations are to.

If you should have any questions, please do not hesitate to contact us. With warm personal regards, I am,

Sincerely yours,

Desa Ballard by Harvey M. Watson

Desa Ballard
desab@desaballard.com

Honorable Daniel Shearouse
In re: Appellate Case No. 2014-000965
August 27, 2014

Page 2 of 2

c: (via US Mail and Email)
Arthur K. Aiken, Esquire
Thomas Bunch, Esquire
Shirley Hammer (via email only)

Desa Ballard

From: Arthur via Dropbox <no-reply@dropbox.com>
Sent: Friday, August 22, 2014 1:19 PM
To: Desa Ballard
Subject: Arthur Aiken wants to share "Hammer Record on Appeal" with you



Arthur invited you to a Dropbox shared folder called "Hammer Record on Appeal" and left you this message:

"Desa,

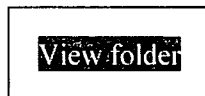
I mailed you ROA for Hammer appeals yesterday in PM. I have attached a new version corrected from what I mailed to you.

Please have one of your assistants review for accuracy and completeness. As soon as I have word that ROA is accurate and complete, I will have it bound and have bound copy delivered to your office.

Please call or email with any questions.

Peace,

s/Art"



© 2014 Dropbox

Desa Ballard

From: Desa Ballard
Sent: Monday, August 25, 2014 4:29 PM
To: art@aikenandhightower.com; 'Thomas W Bunch (TBunch@robinsonlaw.com)'
Cc: 'Mara T. Ballard, CFE, CMA (mara@desaballard.com)'; Beth Cogan; Mara Ballard
Subject: Missing items from ROA

From our designations:

1. . . . with Verified Petition and Affidavit (the RTSC is included)
2. . . . with Verified Petition and Affidavit (the RTSC is included)
13. Notice of Hearing dated August 1, 2013, clocked August 2, 2013 at 11:25 am

That's all we can find that is missing.

Do I understand we should trash the hard copy you mailed to us last Thursday?

db

Desa Ballard
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Attorneys at Law
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Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to mara@desaballard.com

Desa Ballard

From: Art Aiken <art@aikenandhightower.com>
Sent: Tuesday, August 26, 2014 9:49 AM
To: Desa Ballard
Subject: RE: Missing items from ROA

Desa,
If you have missing ROA items handy, please email them to me. It will save me having to dig through my file.
Thank You.
Peace,
s/Art

From: Desa Ballard [mailto:desab@desaballard.com]
Sent: Monday, August 25, 2014 4:29 PM
To: art@aikenandhightower.com; 'Thomas W Bunch (TBunch@robinsonlaw.com)'
Cc: Mara Ballard; Beth Cogan; Mara Ballard
Subject: Missing items from ROA

From our designations:

1. . . . with Verified Petition and Affidavit (the RTSC is included)
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Desa Ballard

From: Desa Ballard
Sent: Tuesday, August 26, 2014 2:28 PM
To: 'Art Aiken'; Mara Ballard
Cc: Beth Cogan; Mara Ballard
Subject: RE: Hammer-final Index to ROA and final additions to ROA

Importance: High

Art the petitions and affidavits are part of the Rules to Show Cause and should be incorporated at pages 23 and 26 as attachments. Our original designations of the RTSC specifically included the petitions and affidavits. So putting them at the end of the ROA doesn't work. It needs to be clear that the RTSC had the verified petitions and affidavits as a part of the documents, not as separate documents.

The Notice and COS should go under the "Notices" section, which you have on pp. 64-66.

From: Art Aiken [mailto:art@aikenandhightower.com]
Sent: Tuesday, August 26, 2014 11:49 AM
To: Mara Ballard; Desa Ballard
Subject: Hammer-final Index to ROA and final additions to ROA

Mara and Desa,
I have attached the above. You will note that I appended your final additions at the end of the ROA. The page numbers in the hard copy that I sent you last week are still good.
Thank you for all of your help.
Peace,
s/Art

From: Mara Ballard [mailto:Mara@desaballard.com]
Sent: Tuesday, August 26, 2014 10:33 AM
To: Art Aiken
Cc: Desa Ballard; Mara Ballard
Subject: Hammer: Notice of Hearing and COS

This is what Desa intended for item 13 of her designations.

Thank you.

Mara