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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

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 SCRCP 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

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The Honorable Jenny Abbott Kitchings

August 13, 2014

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