

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2005-CP-10-4101

Appellate Case No.: 2012-212136

74000

**RECEIVED**

OCT 29 2014

**SC Court of Appeals**

The Milton P. Demetre Family Limited Partnership.....Appellant,

v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,  
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,  
and Annie Ruth Crowley Akinson.....Respondents.

**RESPONDENTS' MOTION TO STRIKE  
OBJECTIONABLE ARGUMENT OF APPELLANT**

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## INTRODUCTION

This Court issued its decision in this matter on August 20, 2014. Appellant filed a Petition for Rehearing dated September 19, 2014. By leave of this Court, Respondents' Return to Appellant's Petition was filed with this Court on October 16, 2014. By leave of this Court, Appellant filed its Reply on October 27, 2014, which was received by Respondents on October 29, 2014. Respondents' Motion objecting to improper argument in Appellant's Reply follows.

## MOTION

In Appellant's Reply, Appellant repeats and reargues argument that Respondents did not return to in Respondents' Return filing. The ground for Respondents' Motion is that the Appellant improperly attempts to utilize a Reply filing to have a second chance to repeat arguments from Appellant's Petition for Rehearing. Guidance by analogy is found in, Jean Hofer Toal, *et al.*, *Appellate Practice in South Carolina*, Reply Brief pg. 215, (2d Ed. 2002), "Nor should the appellant use the reply brief simply to rehash the arguments originally presented in his brief."

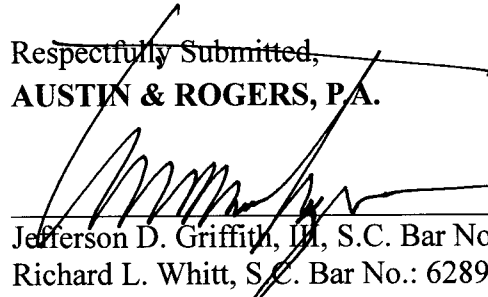
Appellant, using the introductory words, "Respondents make no return...", goes on to reargue points in Appellant's Reply filing, that Respondents did not return to in Respondents' Return. Appellant, in its Reply filing, reargues **nine** points that Appellant acknowledges Respondent did not return to on pages, "13", "14", "15", "16", "17", "18", "19", "20" and "24" of Appellant's Reply.

**CONCLUSION**

Based on the foregoing, this Court should strike the objectionable argument denominated by Respondents herein, in the nine places, where the objectionable argument appears in Appellant's Reply to Respondents' Return.

Respectfully Submitted,  
**AUSTIN & ROGERS, P.A.**

By:

  
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October 29, 2014  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
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**SC Court of Appeals**

The Milton P. Demetre Family Limited Partnership.....Appellant,

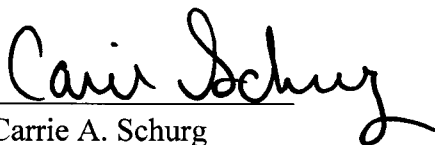
v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,  
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,  
and Annie Ruth Crowley Akinson.....Respondents.

**PROOF OF SERVICE**

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused a copy of Respondents' Motion to Strike Objectionable Argument of Appellant, correspondence to the Court and this Proof of Service, to be served via U.S. Mail on October 29, 2014, as addressed below.

Cain Denny, Esquire  
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Charleston, South Carolina 29402

  
Carrie A. Schurg

October 29, 2014

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**SC Court of Appeals**

June 20, 2014

**VIA, HAND-DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

- Re: • The Milton P. Demetre Family Limited Partnership vs. Harry Beckmann, III, *et al.*  
• Appellate Case No.: 2012-212136  
• **Respondents' Motion to Strike Objectionable Arguments of Appellant**

Dear Ms. Kitchings:

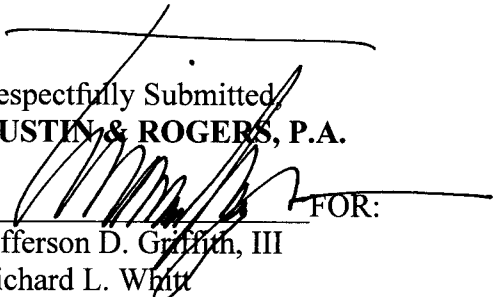
Enclosed for filing, please find the original and the required six copies of Respondents' Motion to Strike Objectionable Arguments of Appellant and Proof of Service in the above-referenced matter. Also enclosed, please find a check in the amount of \$25.00, for the required filing fee.

Please accept these documents for filing and acknowledge receipt of the same by file-stamping the copies enclosed and returning them to me, via our courier.

Please don't hesitate to contact the undersigned if you have any questions or concerns.

With best regards, we are,

Respectfully Submitted,  
**AUSTIN & ROGERS, P.A.**

  
FOR:  
Jefferson D. Griffith, III  
Richard L. Whitt

RLW/cas  
Enclosures

cc: Cain Denny, Esquire