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OCT 27 2014

SC Court of Appeals

The State of South Carolina  
In the Court of Appeals

Appeal from Darlington County  
Court of Common Pleas

Honorable J. Michael Baxley, Circuit Court Judge

Case No. 2010-CP-16-0315

Bobby Lee Tucker, Sr. .... Respondent

v.

John Doe, individually, and d/b/a Doe Trucking  
Company ..... Appellant

**Motion to Strike from the Respondent's Final Brief  
the Initial Brief's Addendum and the References to It.**

Part of this appeal challenges the trial judge's ruling that the Respondent satisfied the standard for "John Doe" affidavits that was established in *Gilliland v. Doe*, 357 S.C. 197, 592 S.E.2d 626 (2004). The Respondent's Initial Brief included a copy of *Gilliland* as an addendum and referred to the addendum in its Table of Contents and in its footnote 1. The Clerk informed the Respondent that the addendum was improper because the decision was not listed in the

designation of matter to be included in the Record on Appeal.

The Respondent has thus prepared a Final Brief which removes the addendum and strikes the two references to it. He moves the Court to accept his Final Brief and his certificate that he made no changes from the Initial Brief other than striking the addendum, striking the references to the addendum, and the changes allowed by Rule 211(b), SCACR.

Opposing counsel has no objection to allowing the Respondent to serve and file a Final Brief which strikes the addendum and the references to it.



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Robert N. Hill  
SC Bar # 65074

Law Offices of Robert Hill  
P.O. Box 1323  
Lexington, SC 29071  
803-520-4370  
[attorneyhill@twc.com](mailto:attorneyhill@twc.com)

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Certificate of Service

I certify that I on October 24, 2014 served the Motion to Strike from the Final Brief the Initial Brief's Addendum and the References to It. Services is by first class mail, sufficient postage prepaid, addressed to:

C. Mitchell Brown, Esq.  
Michael J. Anzelmo, Esq.  
William C. Wood, Jr. Esq.  
Nelson Mullins Riley & Scarborough LLP  
P.O. Box 11070  
Columbia, SC 29211

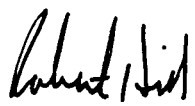
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Thomas J. Keaveny II, Esq.  
Keaveny Law Firm, LLC  
1634 Ashley River Road  
Charleston, SC 29407

Attorneys for the Appellant John Doe, individually,  
and d/b/a Doe Trucking Company

William P. Hatfield, Esq.  
The Hyman Law Firm, LLP  
P.O. Box 1770  
Florence, SC 29503-1770

Co-counsel for the Respondent Bobby Lee Tucker, Sr.

  
\_\_\_\_\_  
Robert N. Hill

**LAW OFFICE OF ROBERT HILL**

**P.O. BOX 1323  
LEXINGTON, SOUTH CAROLINA 29071**

**ROBERT N. HILL  
ATTORNEY AT LAW**

**TELEPHONE  
803-520-4370**

**EMAIL  
attorneyhill@twc.com**

October 24, 2014

South Carolina Court of Appeals  
1205 Pendleton Street  
Columbia, SC 29201

Re: Bobby Lee Tucker v. John Doe  
Appellate Case No. 2014-000134

Dear Clerk of Court:

Please find enclosed for filing:

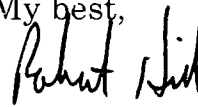
- an unbound original and 15 bound copies of the Respondent's Final Brief
- a certificate of service for the Respondent's Final Brief
- a Rule 211(b), SCACR, Certificate with an attached certificate of service
- the original and six copies of a motion to strike from the Respondent's Final Brief the Initial Brief's Addendum and the References to It, with an attached certificate of service.
- the \$25 filing fee for the motion.

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**SC Court of Appeals**

My best,



Robert Hill

cc: William P. Hatfield, Esq.  
Graham R. Billings, Esq.  
Michael J. Anzelmo, Esq.  
C. Mitchell Brown, Esq.  
William C. Wood, Jr., Esq.  
Thomas J. Keaveny II, Esq.

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