

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

74440

D. Craig Brown, Circuit Court Judge

Case No. 2013-002578/2012-CP-07-1352

Bruce R. Hoffman,

Appellant,

v.

Seneca Specialty Insurance Company; CRC Insurance Company; CRC Insurance Services, Inc.  
d/b/a Southern Cross Underwriters of Sumter; Aydlette Services of Lowcountry, Inc.; and  
Capstone ISG, Inc.,

Defendants,

Of whom Seneca Specialty Insurance Company is the Respondent.

**APPELLANT'S OBJECTION/OPPOSITION TO RESPONDENT'S MOTION DATED  
12/3/14 FOR LEAVE TO FILE SUPPLEMENTAL RECORD ON APPEAL (AND THEN  
CHANGE THEIR FINAL BRIEF FROM THEIR INITIAL BRIEF SUBSTANTIVELY  
BASED ON SUPPLEMENTED RECORD IN VIOLATION OF RULES 210(c) AND  
211(b)) AND FOR OTHER RELIEF IN FAVOR OF APPELLANT THEREFORE**

LAW OFFICE OF BRUCE R. HOFFMAN, LLC  
Bruce R. Hoffman (SC Bar No. 8716)  
574 Sea Island Parkway  
Saint Helena Island, South Carolina 29920  
(843) 838-5290  
*Appellant/Attorney for Appellant*

Appellant received on 12/5/14, service copies of bound final brief of Respondent and  
Respondent's Motion for Leave to File Supplemental Record on Appeal. What Respondent does

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not clearly tell the Court, is that their bound final brief differs substantively from their initial brief, embellishing an argument at pages 28-29 of their final brief, by now citing for their argument the entire Causes of Loss – Special Form portion of the insurance policy at issue, when Respondent did not designate this entire portion in their designation of record nor, to Appellant's recollection, was this entire Causes of Loss – Special Form ever part of the record in the trial court below, so that Respondent could not and cannot designate this entire portion or rely on it. The implication in Respondent's Motion for Leave that Appellant failed to include something in the Record on Appeal that they designated, is thus not true.

What Respondent now seeks to do violates both SCACR Rule 210(c) - The Record shall not, however, include matter which was not presented to the lower court or tribunal, and SCACR Rule 211(b) - The final brief(s) shall be identical to the brief(s) previously served under Rule 208, and cannot be permitted. Further, in essence, Respondent is trying to respond to Appellant's reply brief (by making their final brief different from their initial brief); Respondent trying to respond to Appellant's reply brief in this way violates SCACR Rule 207.

But if it is going to be permitted, then it would be only fair for Appellant to be provided time, particularly during the holiday season, to assess what impact Respondent designating and citing now something they did not previously designate and cite, that in its entirety was not part of the record below. Appellant may now wish to designate additional matter himself, may now wish to supplement his briefs to reflect the entire Causes of Loss – Special Form being part of the record and argue differently or additionally as a result thereof.

At this point, Appellant was due to file his bound briefs and the bound record by December 15<sup>th</sup>, but given what Respondent has done, the entire situation has now changed and Appellant must be given a reasonable time to assess what he wants to do and do it. Not only does

Appellant now need to wait to see if Respondent's Motion for Leave to Supplement Record on Appeal is granted or not, but Appellant is going out of the country from December 13 to December 21, and out of state from December 23 to January 5 for the holidays, and thus cannot realistically begin to assess what to do and do it, no matter what the Appeals Court does, until well after January 5, so Appellant will need at least until January 31 to deal with the consequences one way or the other (this is relief that Appellant thinks he is fairly entitled to under these unusual circumstances, if the Court wants to treat this as Appellant asking for an extension to file the bound briefs and record because of what Respondent has done, then please so treat it).

For all the foregoing reasons, Respondent's Motion for Leave must be denied, but whether denied or not, Appellant respectfully requests until at least January 31, 2015 to assess and deal with the situation Respondent has created during the holiday season, to include supplementing his designation, supplementing his briefs, or other action, as well as any other relief, the Court deems appropriate.

Respectfully submitted,

LAW OFFICE OF BRUCE R. HOFFMAN, LLC

By: 

Bruce R. Hoffman (SC Bar No. 8716)  
574 Sea Island Parkway  
Saint Helena Island, South Carolina 29920  
(843) 838-5290  
*Appellant/Attorney for Appellant*

Saint Helena Island, South Carolina

Dated: December 8, 2014

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

D. Craig Brown, Circuit Court Judge

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Case No. 2013-002578/Case No. 2012-CP-07-1352

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Appellant,

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Seneca Specialty Insurance Company; CRC Insurance Company; CRC Insurance Services, Inc. d/b/a Southern Cross Underwriters of Sumter; Aydlette Services of Lowcountry, Inc.; and Capstone ISG, Inc.,

Defendants,

Of whom Seneca Specialty Insurance Company is the Respondent.

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**CERTIFICATE OF SERVICE BY MAIL OF APPELLANT'S OBJECTION/OPPOSITION TO RESPONDENT'S MOTION DATED 12/3/14 FOR LEAVE TO FILE SUPPLEMENTAL RECORD ON APPEAL (AND THEN CHANGE THEIR FINAL BRIEF FROM THEIR INITIAL BRIEF SUBSTANTIVELY BASED ON SUPPLEMENTED RECORD IN VIOLATION OF RULES 210(c) AND 211(b)) AND FOR OTHER RELIEF IN FAVOR OF APPELLANT THEREFORE**

The undersigned attorney for the Appellant hereby certifies that on the 8th day of December, 2014, he had served by first class mail, postage prepaid, a true and accurate copy of Appellant's Objection/Opposition To Respondent's Motion Dated 12/3/14 For Leave To File Supplemental Record On Appeal (And Then Change Their Final Brief From Their Initial Brief Substantively Based On Supplemented Record In Violation Of Rules 210(C) And 211(B)) And For Other Relief In Favor Of Appellant Therefore, to Attorney for Respondent, Joshua P. Cantwell, Young Clement Rivers, LLP, PO Box 993, Charleston, SC 29402-0993.

Dated: December 8, 2014



LAW OFFICE OF BRUCE R. HOFFMAN, LLC  
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**TRANSMITTAL COVER SHEET**

Date: December 8, 2014

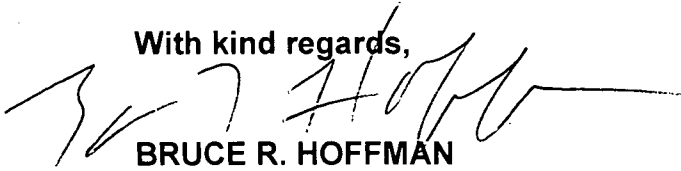
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

RE: Bruce R. Hoffman, Appellant v. Seneca Specialty Insurance Company,  
Respondent, Case No. 2013-002578/12-CP-07-1352

Dear Clerk:

Enclosed for filing are originals and face page copies of 1) Appellant's Objection/Opposition to Respondent's Motion Dated 12/3/14, etc.; 2) Certificate of Service by Mail of same; and 3) a check in the amount of \$25.00 for the filing fee. Please file the originals, and return the face page copies clocked in the self-addressed stamped envelope provided. Thank you for your assistance.

With kind regards,



BRUCE R. HOFFMAN

BRH/eph  
Enclosures – as stated

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