

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM PICKENS COUNTY

Court of Common Pleas

Doyet A. Early, Circuit Court Judge

Case No. 2012-CP-39-01554

Appellate Case No. 2014 - 001110

RECEIVED

FEB 12 2015

S.C. SUPREME COURT

Julie Freeman.....Appellant – Respondent

v.

J.L.H. Investments, LP, a/k/a Hendrick Honda of Easley.....Respondent – Appellant

APPELLANT-RESPONDENT JULIE FREEMAN’S MEMORANDUM IN OPPOSITION TO DICK DYER & ASSOCIATES, INC.’S PETITION FOR REHEARING ON MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE

Plaintiff/Appellant-Respondent Julie Freeman Hair hereby submits this Memorandum in Opposition to Dick Dyer & Associates, Inc.’s Petition for Rehearing on Motion for Leave to Appear as Amicus Curiae. The Petition for Rehearing should be denied for the following reasons.

1. THE PETITION FOR REHEARING IS IMPROPER UNDER RULE 240 (i), SCACR.

The Court correctly denied Dick Dyer's Motion for Leave to Appear as Amicus Curiae on January 15, 2015. This Petition for Rehearing is not allowed under Rule 240(i), SCACR which provides:

(i) Rehearing. The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

Respectfully, Dick Dyer's Petition for Rehearing should not be entertained by this Court. Dick Dyer is not a party to the subject appeal. Further, the denial of Dick Dyer's Motion for Leave to as Amicus Curiae does not dismiss or finally decide the appeal at issue. As such, this Petition for Rehearing should not be entertained and should be denied.

2. THE MOTION FOR LEAVE TO APPEAR AMICUS CURIAE WAS PROPERLY DENIED.

The Motion to Appear as Amicus Curiae was properly denied for all the reasons set forth in Respondent – Appellant's Memorandum in Opposition to Dick Dyer & Associates, Inc.'s Motion for Leave to File Brief as Amicus Curiae. These include *inter alia*: (1) Dick Dyer is in a joint defense agreement with Hendrick Honda of Easley; (2) there are over 300 similarly situated dealers and granting the motion would lead to a water fall of similar motions¹; (3) Michael Blease is a party to Dick Dyer's case and our adversarial system requires that if Dick Dyer files briefing that Blease also be permitted to submit additional briefing; and (4) the Parties to this appeal have already submitted sufficient briefing to allow the Court to decide the issues in this

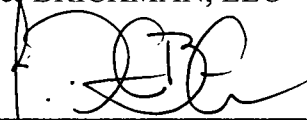
¹ Since the denial of Dick Dyer's Motion for Leave to Appear as Amicus Curiae, numerous other car dealers have filed another motion to appear as Amicus Curiae. There are other car dealers that may follow suit. All of this extra briefing is unnecessary as the Parties to this appeal have filed sufficient briefing to address all of the issues.

appeal. Quite simply, additional briefing is unnecessary, is contrary to judicial economy, and will lead to a waste of judicial resources.

In conclusion, Plaintiff/Appellant-Respondent Julie Freeman Hair respectfully requests that the Court exercise its discretion and deny Dick Dyer's Petition for Rehearing.

Respectfully submitted,

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February 9, 2015

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PROOF OF SERVICE

The undersigned of the law offices of Richardson, Patrick, Westbrook & Brickman, LLC attorneys for the Respondent, do hereby certify that service of

APPELLANT-RESPONDENT JULIE FREEMAN’S MEMORANDUM IN OPPOSITION TO DICK DYER & ASSOCIATES, INC.’S PETITION FOR REHEARING ON MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE

was made on all counsel of record, specified below, by mailing a copy of the same by United States Mail, postage prepaid, to the following addresses:

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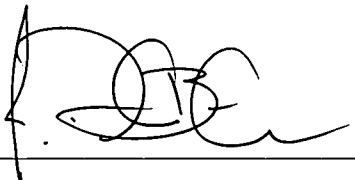
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