

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III

2012-CP-39-01554

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MAR - 4 2015

S.C. Supreme Court

Julie Freeman Hair,

Appellant-Respondent,

v.

J.L.H. Investments, LP, aka Hendrick Honda of Easley,

Respondent-Appellant.

**MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF
OF SOUTH CAROLINA FINANCIAL SERVICES ASSOCIATION, INC.**

Pursuant to Rule 213, SCACR, the South Carolina Financial Services Association, Inc. ("SCFSA") seeks leave to submit an amicus curiae brief in this matter. In making this motion, applicants "shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable." *See also* Jean Hoefler Toal *et al.*, *Appellate Practice in South Carolina* 218 (2d ed. 2002). The proposed brief is conditionally filed with this motion.

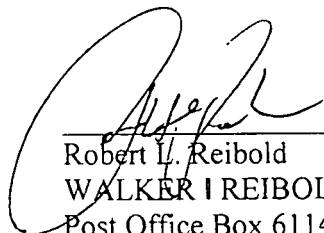
SCFSA is a trade organization for South Carolina lenders making consumer loans. It has more than fifty members located across the state, including national and international

corporations and individually-owned companies. SCFSA's member businesses make consumer loans across South Carolina.

Much like car dealers seeking to charge closing fees, SCFSA members file maximum loan rates with the South Carolina Department of Consumer Affairs ("Department") as required by statute (S.C. Code Ann. §§ 37-2-305 and 3-305 ("Maximum Rate Disclosure Statutes")). In Administrative Interpretation No. 2.307-0101 ("Administrative Interpretation"), the Department stated that the filing of closing fees by a car dealer as set forth in S.C. Code Ann. § 37-2-307 ("Closing Fee Statute") is "analogous" to maximum rate filings by lenders. (R. at 1726). This similarity is borne out by a review of these statutes, their placement within the Consumer Protection Code, and similar Department guidance on what businesses must do to comply. Therefore, SCFSA is vitally interested in the construction of the Closing Fee Statute, the applicable defenses, and the application of the filed rate doctrine in this case.

For these reasons, SCFSA seeks leave to file the attached conditionally filed brief.

Respectfully submitted,



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March 2, 2015