

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**

APR 8 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 RESPONDENT – APPELLANT’S MOTION REGARDING ORAL ARGUMENT  
TIMES**

Respondent – Appellant (“Hendrick”) has moved to reverse or add to the format of argument time set in this matter by the Court’s letter of March 6, 2015. Appellant – Respondent (“Freeman”) believes that the announced format and times are appropriate under the facts and circumstances of this case and therefore strongly opposes Hendrick’s motion.

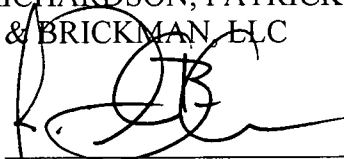
Both parties in this case have appealed rulings of the trial court alleging error. Freeman filed her Notice of Appeal first and our Rules of Appellate Practice granted her the status of primary Appellant. As the primary Appellant, Freeman had the responsibility and costs associated with compiling the Record on Appeal. As the Court is aware, the Record on Appeal

in this case is quite substantial, measuring 5 volumes and over 2,000 pages. Appellant was responsible for producing and binding by hand 17 total volumes of the Record on Appeal.

That the primary Appellant has the role of opening and closing oral argument is plainly set forth in Rule 218, SCACR. Hendrick would have been aware of this fact well before the parties began preparing the appeal and before the Court set the times for oral argument. If Hendrick wanted to have the role of primary Appellant in this matter, it could have filed its Notice of Appeal first. Furthermore, Hendrick should have sought the role of primary Appellant prior to the expenses in time and money compiling the Record on Appeal. Granting Hendrick the benefit of opening and closing on the eve of oral argument without the burden of preparing and perfecting the appeal would be unfair to Freeman and her counsel. It would also be contrary to the applicable appellate court rule.

Although there is no state court counterpart, our federal court rules address a situation where both parties file their Notices of Appeal on the same day. In such a situation, the tie goes to the Plaintiff to operate as Appellant. *See* Rule 28.1(b), F.R.A.P. Should the Court determine that some alteration in the format or argument time is appropriate, Freeman submits that as the initial and primary Appellant, her counsel should have the final opportunity to present argument under the argument times the Court deems appropriate.

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March 31, 2015

ATTORNEYS FOR THE APPELLANT-RESPONDENT

THE STATE OF SOUTH CAROLINA

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PROOF OF SERVICE

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

**APPELLANT-RESPONDENT JULIE FREEMAN’S MEMORANDUM IN OPPOSITION TO RESPONDENT – APPELLANT’S MOTION REGARDING ORAL ARGUMENT TIMES**

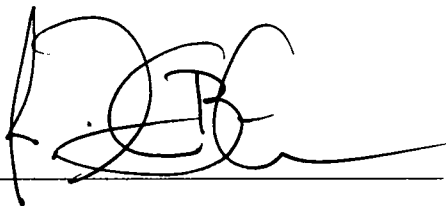
was made on all counsel of record, specified below, by mailing a copy of the same by United States Mail, postage prepaid, to the following addresses:

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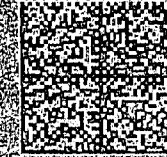
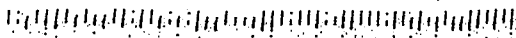
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March 31, 2015

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