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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

MAR 21 2016

Diane Schafer Goodstein, Circuit Court Judge

**SC Court of Appeals**

Appellate Case No. 2015-002095

Donna Jensen, .....Appellant,

v.

Matthew B. Wiseman and  
Peoples Underwriters, Inc., ..... Respondents.

**RESPONDENTS' MOTION TO STRIKE APPELLANT'S INITIAL BRIEF AND  
EXTEND DEADLINE TO FILE RESPONDENTS' INITIAL BRIEF**

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*Attorneys for Respondents Matthew B.  
Wiseman and Peoples Underwriters, Inc.*

Pursuant to Rule 240, SCACR, Respondents Matthew B. Wiseman and Peoples Underwriters, Inc. ("Respondents") hereby move to strike Appellant Donna Jensen's Initial Brief for failure to comply with Rule 208(b)(4), SCACR, and to extend Respondents' deadline for filing their Initial Brief until 30 days after Appellant serves a brief that complies with the Rules. The grounds for this motion are as follows:

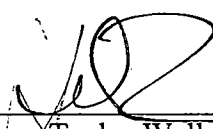
Under Rule 208(b)(4), SCACR, parties are required to include in their initial brief "references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal to support the salient facts alleged." Rule 208(b)(4), SCACR. Those references must be made "to the page and line number of the transcript prepared by the court reporter or by page of the material to be referenced; e.g., Answer p. 7, Motion for Judgment p. 2, Transcript p. 231."

In direct contravention of this Rule, Appellant's Initial Brief contains no references to any specific materials that are included in the Record on Appeal. Indeed, Appellant rarely cites to the Record, instead setting forth fact after fact with no citation whatsoever. (*See, e.g.*, Appellant's Br. pp. 2-5.) What is more, even when Appellant purports to cite to the Record, she cites only to the placeholder "(R. )," instead of citing to the actual material in the Record, such as a deposition transcript, discovery material, or hearing transcript. (*See* Appellant's Initial Br. pp. 2-5, 7-13, 15.) This is impermissible, as it violates Rule 208(b)(4) and forces Respondents to guess at what material is being cited, which make the preparation of a response brief extraordinarily and unnecessarily difficult. Therefore, Appellant's Initial Brief should be struck, and Appellant should be required to file a complaint brief within a very short period of time. Respondents' deadline

to file their Initial Brief should not begin to run until Appellant files a brief that complies with the Rules.

WHEREFORE, Respondents respectfully request that Appellant's Initial Brief be struck, that Appellant be required to file an Initial Brief that complies with the Rules in short order, and that Respondents' deadline to file their Initial Brief run from the time that Appellant files a corrected brief that complies with the Rules.

Respectfully submitted,



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ATTORNEYS FOR RESPONDENTS  
MATTHEW B. WISEMAN AND  
PEOPLES UNDERWRITERS, INC.

March 16, 2016

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
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Diane Schafer Goodstein, Circuit Court Judge

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Appellate Case No. 2015-002095

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Donna Jensen, .....Appellant,

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on March 16, 2016, the foregoing **RESPONDENTS' MOTION TO STRIKE APPELLANT'S INITIAL BRIEF AND EXTEND DEADLINE TO FILE RESPONDENTS' INITIAL BRIEF** was served on all counsel of record via U.S. Mail, addressed as follows:

Thomas C. Brittain, Esq.  
Mary Madison Brittain Langway, Esq.  
The Brittain Law Firm, P.A.  
4614 Oleander Drive  
Myrtle Beach, SC 29577

George M. Hearn, Esq.  
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March 16, 2016

RECEIVED

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MAR 21 2016

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SC Court of Appeals

Via U.S. Mail

The Honorable Jenny Abbott Kitchings  
Clerk of Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *Donna Jensen vs. Matthew B. Wiseman and Peoples Underwriters, Inc.*  
Appellate Case No.: 2015-002095

Dear Ms. Kitchings:

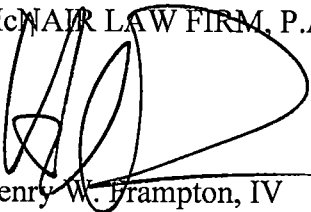
Enclosed for filing, please find the original and seven copies of Respondents' Motion to Strike Appellant's Initial Brief and Extend Deadline to File Respondents' Initial Brief. I have also enclosed my office check in the amount of \$25.00 to cover the filing fee. Please file these documents and return a stamp-filed copy to me in the enclosed self-addressed stamped envelope.

By copy of this letter, I have provided all counsel of record with a copy of the same.

If you have any questions, please do not hesitate to call my office. Thank you and with kind regards, I am

Very truly yours,

McNAIR LAW FIRM, P.A.



Henry W. Frampton, IV

HWF:jsh  
Enclosures

cc: Thomas C. Brittain, Esq. (w/enclosures, via U.S. Mail)  
George M. Hearn, Esq. (w/enclosures, via U.S. Mail)  
Susan Taylor Wall, Esq.

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MAILED FROM ZIP CODE 29401

**M McNAIR**  
ATTORNEYS

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