

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY

Court of Common Pleas

Deandrea G. Benjamin Circuit Court Judge

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JUN 02 2016

SC Court of Appeals

Appellate Case No. 2015-002524

Case No. 2014-CP-29-00442

Josh Hammond..... Respondent,

v.

Richard Tod Hammond ..... Appellant,

v.

Titan Logging, LLC..... Third Party Defendant.

**APPELLANT'S RETURN AND MEMORANDUM OF LAW IN OPPOSITION TO  
RESPONDENT'S MOTION TO STRIKE APPELLANT'S INITIAL BRIEF AND  
MOTION TO DISMISS**

Appellant submits this Memorandum of Law in Opposition to Respondent's Motion to Strike Appellant's Initial Brief and Motion to Dismiss.

Appellant feels that it complied with the South Carolina Appellate Court Rules. Due to and because of the uniqueness of how this case progressed, the Transcript of the lower court proceeding contained little references to facts and was mostly argument. The evidence that

Appellant filed and served before the hearing, the memorandum and documents submitted by Respondent the day of the hearing, and the supplemental evidence produced after the record was kept open by the trial judge, all together will be several hundred pages of material. With no page numbers or line numbers for the majority of the information, Appellant concluded that all evidence could be better referenced once the record on appeal was completed for use on the Final Brief.

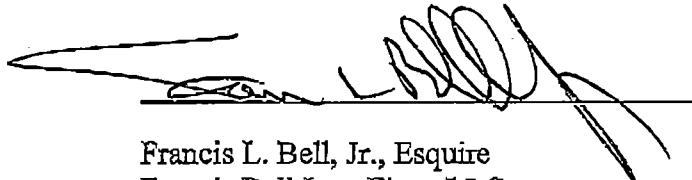
If the Court believes that Appellant is not in compliance with the SCACR, the noncompliance is not fatal and should not result in a dismissal. The referencing of any item is a correctable one and Appellant should be allowed time to correct the Initial Brief per Henning v. Kayne, 307 S.C. 436, 415 S.E.2d 794 (1992).

In response to Respondent's second argument, Appellate believes that the Designation of matter clearly identified what Appellate desired to be included in the record. The sections Respondent highlights is Appellant's use of "supporting documents." The material listed in the Designation of Matter was either submitted by Respondent or filed and served on Respondent by Appellant. All material listed was part of the record in the lower court. Due to and because of the number of documents that were submitted to the court, they were filed in packages or groups. The designation of matter submitted by Appellants identified the packages or groups and when they were filed with the court.

If the Court believes this to not be in conformance with the SCACR, the nonconformance is not fatal and should not result in a dismissal. At the request of the court Appellant should be allowed time to amend Appellant's Designation of Matter per Henning, id.

Appellant respectfully asks the Court to deny Respondent's motion to strike and dismiss.  
Or in the alternative, the Appellant should be allowed to amend any nonconformance in his  
Initial Brief and/or the Designation of Matter.

May 26, 2016



Francis L. Bell, Jr., Esquire  
Francis Bell Law Firm, LLC  
P.O. Box 867  
Lancaster, SC 29721  
(803) 283-8476  
Bar No. 627  
Attorney for Appellant

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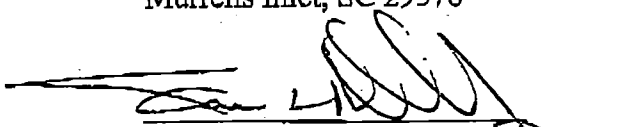
PROOF OF SERVICE

I certify that I have served the *Appellant's Return and Memorandum of Law in Opposition to Respondent's Motion to Strike Appellant's Initial Brief and Motion to Dismiss*, by depositing copies of same in the United States Mail, postage prepaid, on May 26, 2016, addressed to Respondents' and Third Party Defendant's attorneys of record as follows:

Ryan P. Compton  
Goldfinch Winslow  
PO Box 829  
Murrells Inlet, SC 29576

Stephen L. Goldfinch, Jr.  
Goldfinch Winslow  
PO Box 829  
Murrells Inlet, SC 29576

May 26, 2016

  
Francis L. Bell, Jr., Esquire  
SC Bar No. 00627  
FRANCIS BELL LAW FIRM, LLC  
P.O. Box 867  
Lancaster, SC 29721  
(803) 283-8476  
Attorney for Appellant



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May 26, 2016 , 9:45 pm

Arrived at USPS Facility

CHARLOTTE, NC 28228

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STATUS OF ITEM

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May 27, 2016 , 4:17 pm

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# FRANCIS BELL LAW FIRM, LLC

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FRANCIS L. BELL, JR.  
fbc11@fbell-law.com

WEST C. BELL  
wbell@fbell-law.com



D. GLENN YARBOROUGH  
(1919-1979)

May 26, 2016

RECEIVED  
JUN 02 2016  
SC Court of Appeals

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

Re: *Josh Hammond vs. Richard Tod Hammond vs. Titan Logging, LLC*  
*Trial Court Case No.: 2014-CP-29-00442*  
*Appellate Case No. 2015-002524*

Dear Madam Clerk:

Enclosed for filing in the above matter are:

-original + six copies of *Appellant's Return and Memorandum of Law in Opposition to Respondent's Motion to Strike Appellant's Initial Brief and Motion to Dismiss* together with *Proof of Service* on Respondents' and Third Party Defendant's attorneys of record.

I am requesting that you please return clocked copies to my office in the envelope provided.

Very truly yours,

FRANCIS BELL LAW FIRM, LLC

Francis L. Bell, Jr.

FLBjr/jbg

cc: Ryan P. Compton (w/encs.)  
Stephen L. Goldfinch, Jr. (w/encs.)

## FRANCIS BELL LAW FIRM, LLC

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D. GLENN YARBOROUGH

(1919 - 1979)

### FAX COVER SHEET

Date: June 1, 2016

To: **Attn: Amelia Smith**  
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Fax# 803-734-1839

From: Francis L. Bell, Jr.

RE: **Josh Hammond vs. Richard Tod Hammond vs. Titan Logging, LLC**

**Trial Court Case No.: 2014-CP-29-00442**

**Appellate Case No.: 2015-002524**

**RECEIVED**

JUN 02 2016

SC Court of Appeals

WE ARE TRANSMITTING 8 PAGES (INCLUDING THIS COVER LETTER). IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL OUR TELEPHONE NUMBER, 803/283-8476, AS SOON AS POSSIBLE. OUR FAX NUMBER IS (803)286-4864.

Dear Amelia:

Per my phone conversation with you today regarding the above referenced, please find enclosed the copies of what was sent to your office via USPS on 5/26/16, of which I am asking to be filed as originals, since apparently there is an issue with USPS and they can't locate even with tracking number. I have also enclosed tracking information obtained which does show it arrived in Charlotte, NC on May 26, 2016 @ 9:45PM and also shows on May 27, 2016 at 7:48am departed Charlotte, NC and was in transit to destination. As of today's tracking, it indicates as of May 27, 2016 @ 4:17pm it again departed Charlotte, NC enroute to destination, so we are uncertain of its current location.

Please also note; the Respondents attorneys were also mailed a copy on 5/26/16 of my *Appellant's Return and Memorandum of Law in Opposition to Respondent's Motion to Strike Appellant's Initial Brief and Motion to Dismiss.*

Very truly yours,

FRANCIS BELL LAW FIRM, LLC

Francis L. Bell, Jr.

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