

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas
DeAndrea G. Benjamin, Circuit Court Judge

RECEIVED

JUN 03 2016

SC Court of Appeals

Appellate Case No. 2015-002524
Case No. 2014-CP-29-00442

Josh Hammond.....Respondent,

v.

Richard Tod HammondAppellant,

v.

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

**RESPONDENT’S REPLY TO APPELLANT’S RETURN TO
RESPONDENT’S MOTION TO STRIKE APPELLANT’S INITIAL BRIEF
AND MOTION TO DISMISS**

Pursuant to Rule 240(f), SCACR, Respondent files this Reply to Appellant’s Return to Respondent’s Motion to Strike Appellant’s Initial Brief and Motion to Dismiss. As set forth in Respondent’s Motion to Strike and Dismiss and below, Respondent requests that the Appellant’s Initial Brief be stricken and this appeal dismissed.

In his Return, Appellant initially states he “feels” that he complied with SCACR. (App. Return, p. 1). Then, ironically, Appellant explains he specifically *did not* comply with SCACR, particularly Rule 208(b)(1)(D) and Rule 208(b)(4), both of which require him to provide references to the record, including the transcript, pleadings, orders, exhibits, or other materials, in his Initial Brief. (See App. Return, p. 1-2). Appellant’s

position appears to be that, because he proposes to include “several hundred pages of material” in the record on appeal, that he need not comply with our appellate court rules. The Appellant’s position is absolutely without merit, and is frivolous. The Appellant’s position is also flatly contrary to what our appellate court rules plainly require.

Our Supreme Court, in *Henning v. Kaye*, made abundantly clear in 1992 that our appellate court rules are to be followed by parties on appeal and when those rules are not followed, dismissal of the appeal is completely justified. 307 S.C. at 437, 415 S.E.2d at 794 (1992). This has been the clear dictate for 24 years now. And the case *sub judice* is not an exception to our appellate court rules, nor is it an exception to our Supreme Court’s opinion in *Henning*. Contrary to Appellant’s assertion, there is nothing unique about how this case progressed; this appeal arises from a motion for summary judgment – a frequent, commonplace occurrence in litigation in this state.

For these reasons and for those further explained in Respondent’s Motion to Strike Appellant’s Initial Brief and Motion to Dismiss, the Appellant’s Initial Brief should be stricken and this appeal dismissed. For this Court to do anything less is to officially sanction gross noncompliance with our state’s appellate court rules, which are not mere technicalities but provide an orderly mechanism to facilitate appellate review. *See, e.g., Henning*, 307 S.C. at 437, 415 S.E.2d at 794.

Respectfully submitted,



Stephen L. Goldfinch, Jr. (S.C. #77665)

Ryan P. Compton (S.C. #101152)

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ATTORNEYS FOR RESPONDENT

June 2, 2016

Murrells Inlet, South Carolina

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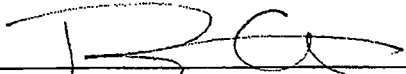
v.

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

PROOF OF SERVICE

The undersigned certifies that, on the below indicated date, the Respondent's Reply to Appellant's Return to Respondent's Motion to Strike Appellant's Initial Brief and Motion to Dismiss was served on counsel for the Appellant by mailing a copy of the same by United States Mail, with first class postage prepaid to the following address for counsel of record:

Francis L. Bell, Jr.
FRANCIS BELL LAW FIRM, LLC
P.O. Box 867
Lancaster, SC 29721



Ryan P. Compton

June 2, 2016



Attorneys and Counselors at Law

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Ryan P. Compton
Associate Attorney
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June 2, 2016

VIA FAX AND FEDERAL EXPRESS

The Honorable Jenny A. Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
Fax: 803.734.1839

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SC Court of Appeals

Re: Josh Hammond v. Richard Tod Hammond v. Titan Logging, LLC
Case Tracking No.: 2015-002524
GW File: 13.072

Dear Mrs. Kitchings:

Pursuant to Rule 262(a)(2), SCACR, I am enclosing for filing one (1) original and seven (7) copies of the Respondent's Reply to Appellant's Return to Respondent's Motion to Strike Appellant's Initial Brief and Motion to Dismiss, via facsimile copy for filing and am also immediately sending same by Federal Express. Please file the original and six copies, and return one copy to me file stamped in the self-addressed stamped envelope.

We are providing a copy of the enclosed to opposing counsel by copy of this letter via U.S. Mail and E-Mail. Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

With kind regards, I remain,

Respectfully,

GOLDFINCH WINSLOW, LLC

Ryan P. Compton

Enclosures

cc: Francis Bell, Esquire
(via U.S. Mail and E-Mail)