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S.C. SUPREME COURT

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December 7, 2016

Hon. Daniel E. Shearouse, Clerk of Court  
South Carolina Supreme Court  
PO Box 11330  
Columbia, SC 29211

Re: *Paula Fullbright and Mark Fullbright v. Spinnaker Resorts, Inc., d/b/a Spinnaker Resorts South Carolina, Inc.*  
Appellate Case No.: 2016-001765  
J&D, PA File No.: S15-6153

Dear Mr. Shearouse:

We are in receipt of Plaintiffs' Reply Brief in the above-referenced matter. I am writing to bring to the Supreme Court's attention the fact that Plaintiffs' Reply Brief fails to meet the requirements of the South Carolina Appellate Court Rules in the following respects:

1. Plaintiffs' Reply Brief has been filed out of time. Rule 242(g), SCACR, requires that a reply brief be filed within 10 days from the date of service of Defendants' Brief.

Defendant's Brief was served on November 18, 2016, putting the deadline for Plaintiffs' Reply Brief as November 28, 2016. Plaintiffs' Reply Brief was not mailed until November 30, 2016, making Plaintiffs' Reply Brief untimely. Plaintiffs have filed no motion to file Plaintiffs' Reply Brief out of time.

2. Plaintiffs' Reply Brief is 22 pages in length, exceeding the limit of 15 pages found in Rule 242(g). Plaintiffs have filed no motion to exceed the page limit.

Plaintiffs' untimely filing alone should be a basis for striking Plaintiffs' Reply Brief from the record in this matter, but Defendants also take exception to Plaintiffs' remaining filing deficiency. We trust this matter to the Court's sound discretion. If you need the Defendant to file something more formal, please let me know.

Thanking you, and with best wishes, I am

Most sincerely,



Barry L. Johnson  
Attorney for Defendant Spinnaker Resorts, Inc.

BLJ:ger

**JOHNSON & DAVIS, PA**

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Hon. Daniel E. Shearouse, Clerk of Court  
December 7, 2016  
Page 2

cc: Naert & Dubois, LLC

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