THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
In the Court of Common Pleas

The Honorable Gordon G. Cooper, Circuit Judge

Case No. 2014-CP-42-02841

Nexstar Media Group, Inc., successor in interest to Media General, Inc., d/b/a WSPA and WYCW, Respondent,

v.

Davis Roofing Group, LLC and Mark Mahoney, Defendants,

Of which Davis Roofing Group, LLC is the Appellant,

And Mark Mahoney is a Respondent.

INITIAL BRIEF OF RESPONDENT, NEXSTAR MEDIA GROUP, INC.

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STATEMENT OF THE CASE

Respondent, Nexstar Media Group, Inc., by its predecessor in interest, Media General, Inc. (each appropriately hereinafter referred to as "Nexstar") commenced this action by filing its Summons and Complaint on July 22, 2014 seeking to recover an unpaid account balance due from Appellant, Davis Roofing Group, LLC (hereinafter, "Davis"). (Media General, Inc. was acquired by Nexstar Media Group, Inc. shortly before trial, and by consent was substituted as the Plaintiff in this action as the successor in interest to Media General, Inc.) Davis filed its Answer and Counterclaim alleging that Respondent Mark Mahoney (hereafter "Mahoney") lacked the authority to bind Davis to the contract with Nexstar. Nexstar filed a Motion to Dismiss Davis's Counterclaim, and the parties entered into a Consent Order clarifying that there was no counterclaim asserted against Nexstar and allowing Nexstar to file an Amended Complaint. Thereafter Nexstar filed its Amended Complaint on February 19, 2015 to bring in Mahoney as an additional Defendant, alleging that Davis was liable on the account debt, or Mahoney was liable if he lacked authority to bind Davis to the account. Mahoney, acting pro se served Plaintiff with his Answer by way of a letter dated March 9, 2015, denying liability and claiming he had the authority to bind Davis to the account. Davis filed its Response (Answer) and Counterclaims March 20, 2015, again asserting that Mahoney lacked authority to bind Davis. Nexstar filed its Reply to the Counterclaims of Davis on March 30, 2015. Upon motion of Nexstar and after a hearing, the Counterclaims alleged against Nexstar were dismissed with prejudice by Order filed July 15, 2016.

By Consent Order, the matter was referred to the Honorable Gordon G. Cooper, Master in Equity for Spartanburg County, with authority to issue a final Order

appealable to the Court of Appeals or Supreme Court as applicable. The matter was scheduled for trial before Judge Cooper on Monday, March 13, 2017. On Friday, March 10, 2017, Davis filed a Motion for Summary Judgment on purported counterclaims against Mahoney.

When the matter was called for trial on March 13, 2017, Judge Cooper denied Davis's motion for default judgment against Mahoney and motion for summary judgment against Mahoney. The matter proceeded to trial. Following trial, Judge Cooper issued his Order for Judgment filed April 4, 2017 finding in favor of Nexstar and awarding Nexstar judgment against Davis for the sum of $39,705.00.

On April 13, 2017 Davis filed a Motion to Reconsider pursuant to Rules 59 and 60(b). A hearing was held on the motion on June 29, 2017. Judge Cooper issued his Order Denying Motion to Reconsider filed July 6, 2017. Thereafter, Davis filed its Notice of Appeal on or about July 13, 2017.

FACTS

Mahoney entered into an advertising contract on behalf of Davis with Nexstar. Transcript p. 14, lines 9 – 23. Nexstar provided the advertising services for several months, and terminated the services upon request from Davis. Transcript p. 15, lines 13 – p. 20, line 2. Invoices were sent to Davis regularly but were ignored. Transcript p. 20, line 7 – p. 24, line 24. Nexstar made several contacts with Davis about the outstanding invoices, but could get no response. Transcript p. 20, line 7 – p. 24, line 24. Therefore Nexstar filed suit against Davis to recover the account balance. Summons and Complaint.

In responding to the suit Davis claimed Mahoney lacked authority to bind Davis to the agreement with Nexstar. Answer and Counterclaim. Thereafter Nexstar amended its Complaint to bring in Mahoney as an additional defendant. Amended Summons and Complaint. Mahoney answered claiming he was authorized to enter the agreement on behalf of Davis. Letter (Answer) of Mahoney. Davis answered denying Mahoney had authority to bind it to the contract, and asserted purported "counterclaims," but it was unclear how the purported counterclaims alleged any claim against Nexstar. Amended Answer and Counterclaims. Prior to trial all counterclaims against Nexstar were dismissed with prejudice. Order filed July 15, 2016.

Davis filed a motion for default judgment and a motion for summary judgment both seeking judgment for Davis against Mahoney. Transcript p. 8, line 5 - p. 9, line 13; Motion for Summary Judgment. The trial judge ruled that there were no crossclaims pled by Davis against Mahoney, and both motions were denied. Transcript p. 8, line 5 - p. 9, line 13; Order for Judgment p. 2.

At trial, Nexstar presented evidence to prove its case through the testimony of its account executive and testimony of Mahoney. Transcript p. 10, line 3 – p. 59, line 14. Mahoney testified without objection that he was hired as the director of marketing for Davis, and that he was given authority to deal on behalf of Davis with its marketing, including advertising, media, websites, business cards, phones, and various consulting. Mahoney entered into contracts on behalf of Davis with other media outlets for advertising, and all were paid by Davis except for Nexstar. The testimony and evidence from Mahoney clearly demonstrated not only actual authority to contract for Davis, but also apparent and implied authority to do so. Transcript p. 34, line 17 – p. 59, line 14.

After Nexstar rested its case in chief, Davis sought to have Requests for Admission to Mahoney deemed admitted for failure to respond. Davis claimed to have mailed Requests for Admission to Mahoney in December 2015. At that time, Mahoney was pro se in this action. No copy of these Requests for Admission were sent or provided to Nexstar's counsel at any time until the day of trial, some fourteen plus months after they were mailed to Mahoney. Mahoney had been in the hospital for some time during December 2015, and denied having received any Requests for Admission. Counsel for Mahoney, upon being retained in May 2016, contacted counsel for Davis advising of his representation. No follow up or further request for responses was ever made by Davis to Mahoney, or counsel, prior to trial. The trial court determined that the Requests for Admission should not be deemed admitted under the circumstances of this case. Transcript p. 62, line 22 – p. 67, line 11, p. 132, line 12 – p. 135, line 8.

After a full and complete hearing, the trial court awarded judgment in favor of Nexstar against Davis for $39,705.00. Order for Judgment p. 5.

ARGUMENTS

I. THE NOTICE OF APPEAL WAS UNTIMELY FILED BECAUSE APPELLANT'S MOTION TO RECONSIDER FAILED TO STATE WITH PARTICULARITY THE GROUNDS FOR THE MOTION AND THE RELIEF REQUESTED.

The Order for Judgment was filed April 4, 2017. Order for Judgment. The Notice of Appeal in this matter was filed on or after July 13, 2017. Davis asserts that its Notice of Appeal was timely filed as it was filed within thirty days of the Court's Order denying Davis's Rule 59 Motion to Reconsider. Rule 7(b), SCRCP, requires a motion to "state with particularity the grounds therefore and . . . set forth the relief or order sought." Davis's motion failed to satisfy the requirements of Rule 7(b). Davis's Motion to Reconsider sought to set aside the Order for Judgment, stating only:

> This motion is based upon the applicable Rules of Court, South Carolina case law, and any affidavits and/or memorandum which may be filed prior to the hearing. The Defendant further allege that Defendants are prompt in filing for relief, the existence of meritorious defenses, and the Plaintiff and Co-Defendant will not be adversely prejudiced.

No affidavits or memoranda were served or filed prior to the hearing in support of the motion. Consequently, Nexstar had no clue as to the basis or grounds for the Motion to Reconsider, what issues the trial court was being asked to reconsider, nor how those issues would support "setting aside the Final Order." See Motion to Reconsider. The statement in the Motion by Davis of the existence of meritorious defenses seems to indicate intent to argue generally against the trial judge's findings of fact and conclusions of law. See Motion to Reconsider.

A timely motion to reconsider under Rule 59 would stay the time for appeal until receipt of written notice of entry of an order granting or denying that motion. Rule 203(b)(1), SCACR. However, if the Rule 59 motion fails to satisfy the

requirements of Rule 7(b), it is not a proper post-trial motion that would toll the time for filing the notice of appeal. See Camp v. Camp, 386 S.C. 571, 689 S.E.2d 634 (2010). The respondents in Camp argued that the Rule 59(e) motion filed by the appellant failed to satisfy the requirements of Rule 7(b) by failing to state with particularity the grounds for the motion. The Supreme Court stated that the standard for determining whether a motion adequately satisfies Rule 7(b) was:

> . . . [W]hen a motion is challenged for a lack of particularity the court should ask "whether any party is prejudiced by a lack of particularity or 'whether the court can comprehend the basis for the motion and deal with it fairly.' "

Id., at 636 (quoting Registration Control Sys., Inc. v. Compusystems, Inc., 922 F.2d 805, 807-808 (Fed.Cir. 1990). Although the majority in Camp found that there was no prejudice to either party and that the court was able to deal with the motion fairly, it bears noting that the order to which the motion in Camp was addressed was reasonably limited to directing the father to pay a certain percentage of his son's college expenses and the award of attorneys fees. The father had also filed a memorandum in support of the motion on the day of the hearing. In the case at bar however, there is no indication in Davis's Motion to Reconsider what issues or rulings of the trial court in the Order for Judgment are the subject of the motion, nor the grounds for such request. In fact, Nexstar had no clue what Davis's basis for his motion was until the arguments began before the trial judge at the motion hearing several months after the motion had been filed. As it turned out, the sole issue argued at the motion hearing was whether the Requests for Admission propounded by Davis to Mahoney should have been deemed admitted. Transcript of Motion, p. 2, line 8 – p. 9, line 6. Certainly nothing in Davis's Motion to Reconsider gave either the Respondents or the trial judge notice that the issue of the

Requests for Admission was to be argued as the (sole) grounds for the motion. Because of the lack of notice of the grounds of the motion, counsel for Nexstar was left with the task of trying to prepare to respond to a general argument against the findings of fact and conclusions of law, and therefore was unable to adequately prepare to respond to Davis's argument on the Requests for Admission as fully as he would have been if adequately noticed. Counsel for Nexstar (as well as counsel for Mahoney) raised the issue of inadequate notice of the grounds for the motion to the trial judge at the hearing, and the trial judge based his denial of the Motion to Reconsider in part on Davis's failure to adequately notice the Respondents of the grounds for his motion. Transcript of Motion, p. 3, lines 16 – 19, p. 8, lines 17 - 23. As set forth in the dissent in Camp, "... if a party could file a skeleton motion and later fill it in, the purpose of the time limitation would be defeated." Camp, at 637 (quoting Martinez v. Trainor, 556 F.2d 818, 820 (7th Cir. 1977)). As further recognized by the dissent in Camp, allowing a post-trial motion that does not satisfy the particularity requirements of Rule 7(b) to toll the time for filing an appeal essentially permits a party to gain an extension of time to file not only the motion, but also its appeal, without setting forth a meritorious basis therefor, and would "further neither justice nor efficiency." Camp, at 637. Even if the particularity requirement is read flexibly (as suggested in Camp) to rule that Davis's Motion to Reconsider here was sufficiently particular under Rule 7(b), then any motion to reconsider an order would be rendered sufficient to toll the time for appeal without providing either the trial court or the other party any notice of the issues or rulings to be argued, or the grounds for the motion until announcing such bases at the hearing. Such a decision would operate to extend the time to file a Rule 59 motion and an appeal, and render meaningless the

particularity requirements of Rule 7(b). See Rule 59(b), SCRCP; see Rule 203(b)(1), SCACR.

In addition to the lack of grounds, what is further unclear from the Motion to Reconsider is the relief sought under the motion. The Motion requests to set aside the Order for Judgment. Motion to Reconsider. This sounds like relief under Rule 60, SCRCP, which Rule was also referenced in the Motion to Reconsider. However, a motion under Rule 60 does not toll the time to appeal the judgment. See Rule 203(b)(1), SCACR. Furthermore, the arguments made by Davis at the motion hearing also do not reveal how the issue of the Requests for Admission could result in the setting aside of the Order for Judgment. Davis recognized that any admission by Mahoney as a result of the Request for Admission would bind only "the admitting party from arguing facts at trial contrary to its responses." Transcript of Motion p. 2, lines 15 - 16. See Commerce Center of Greenville, Inc. v. W. Powers McElveen & Assoc., Inc., 347 S.C. 545, 556 S.E.2d 718 (Ct.App. 2001). Davis also appears to admit that the issue of deeming the Requests to Mahoney as admitted would not affect Nexstar's judgment against Davis. Transcript of Motion p. 6, lines 15 – 16; see also Transcript p. 63, line 21 – p. 64, line 5, p. 66, line 21 – p. 67, line 5.

Therefore, since Davis's Motion to Reconsider failed to state with particularity the grounds for the motion and the relief requested, the motion was insufficient to toll the time to appeal the Order for Judgment. Accordingly, the Notice of Appeal, having not been filed within thirty of the days of the filing and notice of the Order for Judgment, renders this Court without jurisdiction in this Appeal, and the appeal should be dismissed. See Camp, id.

II. THE TRIAL COURT PROPERTY EXERCISED ITS DISCRETION IN DETERMINING THE REQUESTS FOR ADMISSION NOT TO BE DEEMED ADMITTED UNDER THE CIRCUMSTANCES OF THIS CASE.

Davis asserts that it mailed Requests for Admission to Mahoney in or about December 2015. Transcript p. 63, lines 1 - 3. Copies of the Requests for Admission were not served upon nor sent to counsel for Nexstar, either at the time of the mailing to Mahoney, or thereafter. Transcript p. 63, lines 24 -25, p. 134, line 14; Transcript of Motion p. 3, lines 22 – 23. At the time the Requests for Admission were purportedly mailed by Davis to Mahoney, Mahoney was unrepresented by counsel. Transcript p. 133, lines 13 – 14, p. 134, lines 18-21; Transcript of Motion p. 3, 23 – 24. It further appears from the record that Mahoney had been in the hospital around that time, and Mahoney denied having ever received the Requests for Admission. Transcript p. 63, line 10 – p. 67, line 9, p. 134, lines 2 – 3; Order for Judgment, p. 4. Davis made no motion to deem the Requests admitted prior to trial, nor did Davis ever follow up with Mahoney or the attorney subsequently retained by Mahoney, despite the attorney's contacting counsel for Davis upon being retained. Transcript p. 133, line 24 – p. 134, line 8. Apparently, Davis argues that even if a party does not receive the Requests for Admission, their consequent failure to respond to them renders the Requests admitted. Transcript p. 133, lines 7 – 9.

On the Friday before the Monday trial, Davis filed a Motion for Summary Judgment on its purported counterclaims against Mahoney based in part on the lack of response by Mahoney to Davis's Requests for Admission, purportedly served on Mahoney by mail more than fourteen months earlier. Motion for Summary Judgment. The trial court denied Davis's Motion for Summary Judgment finding that there was no

counterclaim (or cross claim) alleged by Davis against Mahoney. Order for Judgment, p. 1 - 2. After the denial of the motion, the trial commenced and testimony and evidence was introduced at trial, without objection, to the effect that Mahoney had both actual and apparent or implied authority to act for Davis in binding it to the contract with Nexstar. Transcript p. 10, line 3 – p. 59, line 14. Mahoney testified in Nexstar's case that he was hired as the director of marketing for Davis to handle its marketing efforts, which including advertising. Transcript p. 34, line 22 – p. 39, line 16. Mahoney entered into contracts for advertising with Nexstar and other vendors on behalf of Davis. Transcript p. 34, line 22 – p. 39, line 16. All other advertising vendors were paid by Davis except Nexstar. Transcript p. 37, lines 7 - 17. Furthermore, Davis provided Mahoney with a business card identifying him as the director of marketing. Transcript p. 39, line 21 – p. 41, line 20; p. 111, line 8 – p. 112, line 20. Indeed, Jerry Davis, the sole owner and principal of Davis Roofing Group, LLC, admitted that he had given Mahoney actual authority to enter into contracts for Davis, albeit he asserts that Mahoney had a limitation on his actual authority. Transcript p. 101, line 23 – p. 102, line 19; p. 121, line 22 – 122, line 20.

Crestwood Golf Club, Inc. v. Potter, 328 S.C. 201, 493 S.E.2d 826 (1997), dealt with the issue of the trial court's discretion in refusing to deem requests for admission as admitted for failure to respond. There, the appellant had asked that all the requests for admission be deemed admitted because of the seller's failure to respond. One of the seller's attorneys stated that he had never received the requests. Another party's attorney stated that he had no memory of delivery or service of the requests for admission. The appellant claimed to have sent a follow up letter to the seller's counsel

asking about the status of the request, but the seller's counsel denied having ever received such a letter. The trial judge's refusal to deem the requests as admitted was found to be a proper exercise of his discretion "particularly in light of the lack of hard proof that [s]ellers actually received the requests." Id., at 836. The Supreme Court also stated the rule that the trial court's ruling on discovery matters will not be overturned on appeal "absent a clear abuse of discretion". Id.

Similarly, in Collins Entertainment, Inc. v. White, 363 S.C. 546, 611 S.E.2d 262 (Ct.App. 2005), the Court of Appeals affirmed the trial judge's refusal to deem requests for admission admitted for failure to respond. There, a second set of requests for admission had purportedly been sent to a former office of Collins's attorney. No response was made, and the appellants waited until the start of trial to seek those requests being deemed admitted for failure to respond. The appellant sought to publish the admissions to the jury but were denied by the trial court. The Court of Appeals recognized that when requests are initially admitted by a party and the admissions later amended, the party requesting the admissions is entitled to publish both the initial admissions and the amended admissions to the jury. Id. However, the Court held that when an admission has been deemed made solely due to a failure to respond to a request, and the admission is later withdrawn or amended, the admission deemed made for failure to respond is not to be published to the fact finder. Id.

Whether the Requests were simply not deemed admitted (see Order for Judgment) or whether the admissions by failure to respond were allowed by the trial judge to be withdrawn or amended at the oral request of Mahoney at trial, either was well within the trial judge's discretion and consistent with the holdings in Crestwood Golf

Club and in Collins Entertainment. As in Crestwood Golf Club and Collins Entertainment, in the instant case there was evidence that the requests were sent to the party (Mahoney) by mail, but the party denied having received the requests, and there was no hard proof that the requests had been actually received, and there was a lack of timely follow up by the requesting party to confirm receipt. This case, having been tried non-jury, the trial judge as fact finder was made aware of both the purported admissions for failure to respond and Mahoney's amended responses, being denials of the substance of the requests made through his testimony at trial without objection.

The trial judge considered the evidence and testimony and the circumstances surrounding the Requests for Admission. The trial judge's decision here to not treat the Requests as being deemed admitted was not an abuse of discretion, See Crestwood Golf Club; see also Collins Entertainment.

III. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN ALLOWING TESTIMONY AND EVIDENCE CONTRARY TO THE SUBSTANCE OF THE APPELLANT'S REQUESTS FOR ADMISSION TO THE RESPONDENT MAHONEY.

Even if Davis's Requests for Admission had been deemed admitted, the admission would only preclude the admitting party (Mahoney) from arguing facts contrary to its admissions, absent an amendment to the admissions. Commerce Center of Greenville, id. Therefore, since Davis's Requests for Admission were only directed to Mahoney, even if admitted, Nexstar is allowed to introduce evidence and argue that Mahoney had the actual and apparent or implied authority to bind Davis to the contract and account with Nexstar. Even counsel for Davis seems to acknowledge that his argument on having the Requests deemed admitted as to Mahoney does not affect Nexstar's judgment against Davis. Transcript of Motion p. 6, lines 15-16. Furthermore, as was the case in Commerce Center of Greenville, the testimony and evidence submitted to the trial court, including the frank admissions from Jerry Davis himself as to the actual authority given to Mahoney, confirmed facts contrary to the substance of the Requests for Admission. See Transcript p. 101, line 23 – p. 102, line 19; p. 121, line 22 – 122, line 20. Therefore, even if the Requests had been deemed admitted and the admissions thereafter withdrawn or amended, such amendments simply conformed the admissions to the evidence submitted at trial. See Commerce Center of Greenville. Accordingly allowance of any such amendments and evidence were within the proper discretion of the trial court.

As set forth in Rule 36(b), SCRCP,

> ... [T]he court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admissions fails to satisfy the court that withdrawal or amendment will prejudice him in maintaining his action or defense on the merits.

As the Supreme Court stated in Baughman v. American Tel. and Tel. Co., 306 S.C. 101, 410 S.E.2d 537 (1991), the presentation of the merits of the case are subserved when the admissions, if not dispositive, involve key factual elements of the cause of action. Here the requests go to the heart of Mahoney's authority to bind Davis to Nexstar's contract. Although such admissions do not operate to prohibit Nexstar from proving its case against Davis, they do involve key factual elements of Nexstar's cause of action. See Commerce Center of Greenville, id. In addition, since Davis waited until trial and the close of all of the testimony and introduction of other evidence to assert that the Requests should be deemed admitted, after a full and fair hearing on the merits, including cross examination of Mahoney, Davis cannot be said to have been prejudiced by the decision not to deem the Requests admitted.

Instructively, in Barber v. Hobbs, 313 S.C. 319, 437 S.E.2d 409 (Ct.App. 1993), although Dr. Hobbs actually admitted certain request for admission, at trial he testified contrary to the admissions and was examined extensively on the issues. Thereafter, Barber argued that the requests should be deemed admitted pursuant to his original admission responses. The trial court however allowed Dr. Hobbs to amend his actual admission finding both requirements for amendment set forth in Rule 36(b) to have been met. Similarly, in Tuomey Regional Medical Center, Inc. v. McIntosh, 315 S.C. 189, 432 S.E.2d 485 (1993), the hospital initially admitted requests for admission, then subsequently moved to amend its answers, which motion was granted. The trial court allowed the defendant there to submit both the original admissions and the amendments to the fact finder. The Supreme Court affirmed, finding that it was for the jury to weigh the evidence. Again, in both Barber and Tuomey Regional Medical Center, the trial court

was dealing with withdrawals or amendments of admissions actually made by a party, not requests deemed admitted for failure to respond. Still the Courts in Barber and Tuomey allowed the admissions to be amended finding no showing of prejudice to the party seeking the admission. Likewise here, Davis has shown no prejudice even if its requests to Mahoney had been deemed admitted and such admissions were withdrawn or amended. The trial judge, as fact finder, was made aware of both the original requests which Davis wanted deemed admitted, and Mahoney's withdrawal or amendments of the same.

Even Commerce Center of Greenville, id., relied on by Davis in its brief, supports the trial judge's decision in this case. Commerce Center had initially admitted the requests propounded to it. Then at trial, Commerce Center orally requested amending its earlier admissions after testimony and other evidence had already been introduced supporting the substance of the amended responses. The trial court allowed Commerce Center to so amend its responses to the requests, since the amendments did nothing more than conform the admissions to the evidence submitted at trial.

And more importantly, in our case, Mahoney did not actually admit the Requests, and the trial judge refused to deem the Requests admitted for failure to respond. Therefore, allowing the evidence and testimony contrary to the substance of the Requests was well within the proper exercise of discretion by the trial court.

CONCLUSION

For the reasons set forth hereinabove this Appeal should be dismissed, with costs, and/or the Order for Judgment of the trial judge should be affirmed, with costs.

Respectfully submitted,

December 28, 2017

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
In the Court of Common Pleas

The Honorable Gordon G. Cooper, Circuit Judge

Case No. 2014-CP-42-02841

Nexstar Media Group, Inc., successor in interest to Media General, Inc., d/b/a WSPA and WYCW .....Respondent

v.

Davis Roofing Group, LLC, and Mark Mahoney..... Defendants,

Of which Davis Roofing Group, LLC is..... Appellant,

And Mark Mahoney is a ..... Respondent.

PROOF OF SERVICE

I certify that I have served the Initial Brief of the Respondent, Nexstar Media Group, Inc., and the Designation of Matter to be Included in the Record on Appeal of the Respondent, Nexstar Media Group, Inc., on all parties to the appeal by serving their respective counsel of record, John C. Strickland, Attorney for the Appellant, Davis Roofing Group, LLC, and James Stone Craven, Attorney for Respondent, Mark Mahoney, by depositing a copy of the same in the United States Mail, postage prepaid, on January 3, 2018, as follows:

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SWORN TO AND SUBSCRIBED)
before me this 3rd)
day January, 2018.)
)
Delores D. Lester)

Notary Public for SC
My Comm. Expires: 11-08-22

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December 28, 2017

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Columbia, SC 29211

Re: Nexstar Media Group, Inc.
v. Davis Roofing Group, LLC

Appellate Case #: 2017-001546

Dear Ms. Kitchings:

I am enclosing for filing the Initial Brief of the Respondent Nexstar Media Group, Inc. and its Designation of Matter to be Included in the Record on Appeal, together with our Proof of Service, in the above-referenced matter. This filing is made within thirty (30) days of receipt of the Initial Brief and Designation of Matters from the Appellant.

Please stamp a copy of this letter that it has been received and return the same to me in the envelope provided.

Thank you for your cooperation. With best regards, I am

Very truly yours,

CRAIG H. ALLEN, P.A.

Craig H. Allen

CHA/
Enclosures

cc: Other counsel of Record: John C. Strickland, Esq.
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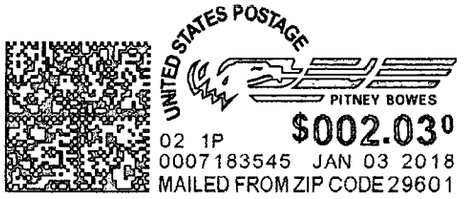

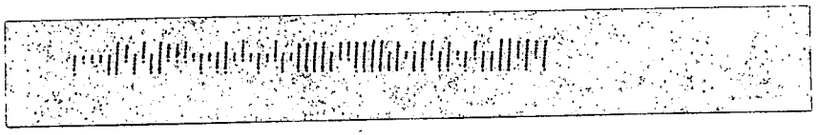

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