

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Carmen T. Mullen, Circuit Court Judge

Case No. 2017-CP-27-0386
Appellate Case No. 2017-002548

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FEB 23 2018
SC Court of Appeals

First Team Hyundai, LLC d/b/a Hilton Head Hyundai Appellant

v.

Gregory Hackney Respondent

MOTION AND MEMORANDUM FOR EXPEDITED APPEAL

To: The Honorable Justices of the South Carolina Court of Appeals:

Pursuant to Rule 263(b), SCACR, Appellant respectfully requests this Honorable Court issue an Order expediting the above-captioned appeal on the following grounds:

1. This case was filed with the Circuit Court for the Fourteenth Judicial Circuit on September 22, 2017. Appellant alleged that it is being defamed by the Respondent on an almost daily basis. Appellant contemporaneously sought a temporary restraining order prohibiting Respondent from continuing to defame Appellant during the pendency of the case.
2. On October 24, 2017, the Honorable Carmen T. Mullen held a hearing on the TRO Motion and denied Appellant's request for a TRO by Order dated October 31, 2017.
3. Appellant made a prima facie showing at the hearing for temporary injunction. "Once a prima facie showing has been made entitling the plaintiff to injunctive relief,

a temporary injunction will be granted without regard to the ultimate termination of the case on the merits." *Helsel v. City of North Myrtle Beach*, 307 S.C. 29, 32, 413 S.E.2d 824, 826 (1992).

4. As Chief Justice Frankfurter has stated in *Kingsley Books Inc. v. Brown* 354 US 436, 441 (1957):

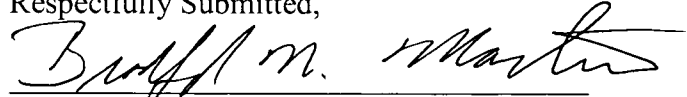
...liberty of speech...is not an absolute right, and that "the protection even as to previous restraint is not absolutely unlimited".

5. Appellant continues to suffer irreparable injury as Respondent pickets its business and publishes defamatory statements to the public through his signs and statements to potential customers.

For the above reasons, Appellant respectfully requests that the Court issue an Order expediting the preparation of the Record on Appeal within 10 days of the date of its Order, the filing of Respondents Brief within 14 days of the service of Appellant's Brief, the filing of a Reply Brief within 5 days of the service of Respondent's Brief, and that oral argument be scheduled as soon as is practicable.

February 15, 2018

Respectfully Submitted,



Bradford N. Martin, Esq. (SC Bar No. 3658)

Laura W. H. Teer, Esq. (SC Bar No. 16698)

Bradford Neal Martin & Associates, PA

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Attorneys for Appellant

First Team Hyundai, LLC d/b/a Hilton Head

Hyundai

Gregory Hackney
pro se Respondent
619 Sycamore Drive
Decatur, GA 30030

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The Honorable Carmen T. Mullen, Circuit Court Judge

Case No. 2017-CP-27-0386
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First Team Hyundai, LLC d/b/a Hilton Head Hyundai Appellant

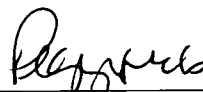
v.

Gregory Hackney Respondent

PROOF OF SERVICE

I, Peggy McComb, Legal Assistant to attorney for Appellant, certify that I have served a copy of Appellant's Motion and Memorandum for Expedited Appeal by depositing a copy in the U.S. Mail, postage prepaid, on February 15, 2018, addressed to Gregory Hackney, 619 Sycamore Drive, Decatur, GA 30030.

February 15, 2018



Legal Assistant to
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February 15, 2018

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

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SC Court of Appeals

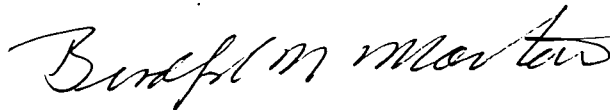
Re: *First Team Hyundai, LLC dba Hilton Head Hyundai v. Greg S. Hackney*
C.A. No. 2017-CP-27-0386
Appellate Case No. 2017-002548

Dear Ms. Kitchings:

Enclosed for filing is an original and seven copies of Appellant's Motion and Memorandum for Expedited Appeal, our firm's check in the amount of \$25.00 for filing fees, and a Proof of Service in the above captioned matter. Please file the original with your Court and return a clocked copy to me in the enclosed envelope.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Bradford N. Martin

BNM/pm
Enclosures
cc: Gregory Hackney