

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2017-001897

Marcus Kevin Grant,
individually and in a
representative capacity for all
others similarly situated,

Respondent,

v.

Jud Kuhn Chevrolet,

Appellant.

INITIAL REPLY BRIEF OF APPELLANT

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FEB 22 2018

SC Court of Appeals

H. Clayton Walker, Jr.
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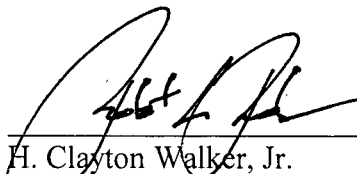
I. Respondent Failed to Address Any Arguments Raised in Appellant's Brief.

The South Carolina Appellate Court Rules provide in pertinent part that “[u]pon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.” Rule 208(a)(4), SCACR. While Respondent technically complied with this rule because a brief was filed, the spirit of the rule was violated. Respondent’s brief: (1) copies, nearly verbatim, Appellant’s Statement of the Case and a portion of Appellant’s Statement of Facts; (2) copies, again nearly verbatim, the trial court’s order and presents this order as argument; and (3) fails to address *any* point or argument raised in Appellant’s Brief. Appellant therefore requests that the Court take whatever action it deems appropriate to address the lack of any real written argument by Respondent.

Conclusion

For the reasons set forth in Appellant’s Brief, and because Respondent failed to address or oppose those reasons, the trial court’s ruling that the Arbitration Clause permits class arbitration should be reversed, and this case should be referred to bilateral arbitration.

Respectfully submitted,



H. Clayton Walker, Jr.

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February 22, 2018

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PROOF OF DELIVERY

I certify that I have served the Initial Reply Brief of Appellant on the date written below upon Respondent Marcus Kevin Grant, individually and in a representative capacity for all others similarly situated, by depositing a copy of the Initial Reply Brief of Appellant in the United States mail, postage prepaid, addressed to his attorney of record L. Sidney Connor, IV, Esq. at the offices of Kelaher, Connell & Connor, P.C., PO Drawer 14547, Surfside Beach, SC 29587.

February 22, 2018

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February 22, 2018

VIA HAND-DELIVERY

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Appellate Case No.: 2017-001897
Marcus Kevin Grant, Individually and in a representative capacity for all others similarly
situated v. Jud Kuhn Chevrolet
C/A No.: 2015-CP-26-8921

Dear Ms. Kitchings:

Enclosed please find an original and copy of Appellant Jud Kuhn Chevrolet's Initial Reply
Brief and Proof of Delivery for filing. Please time-stamp the enclosed copies and return same to the
runner.

Thank you for your assistance with this matter.

Sincerely yours,



Cesaire N. Chase
Legal Assistant to H. Clayton Walker, Jr.
and Robert L. Reibold

:cnc

Enclosures

cc: L. Sidney Connor, IV, Esq.

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