

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.

---

REPLY BRIEF OF APPELLANT

---

H. Clayton Walker, Jr.  
Robert L. Reibold  
Haynsworth Sinkler Boyd, P.A.  
Post Office Box 11889  
Columbia, SC 29211-1889  
(803) 779-3080

COUNSEL FOR APPELLANT JUD KUHN  
CHEVROLET

RECEIVED

APR 02 2018

SC Court of Appeals

**TABLE OF CONTENTS**

Table of Authorities .....ii

Argument .....1

I. Respondent Failed to Address Any Arguments Raised in  
Appellant’s Brief .....1

Conclusion .....1

**TABLE OF AUTHORITIES**

Rule 208(a)(4), SCACR .....1

**Argument**

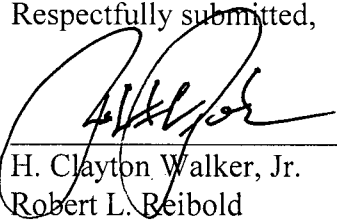
**I. Respondent Failed to Address Any Arguments Raised in Appellant's Brief.**

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.  
Robert L. Reibold  
Haynsworth Sinkler Boyd, P.A.  
Post Office Box 11889  
Columbia, SC 29211-1889  
(803) 779-3080

COUNSEL FOR APPELLANT JUD KUHN  
CHEVROLET

March 23, 2018