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OCT 03 2018

October 3, 2018

SC Court of Appeals

VIA FACSIMILE AND U.S. MAIL

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

RE: *Daniel O'Shields And Roger W. Whitley, A Partnership d/b/a O&W Cars v.
Columbia Automotive Company, LLC d/b/a Midlands Honda*
Case No. 2013-CP-40-03019
Appellate Case No. 2017-000902

Dear Ms. Kitchings:

Counsel for the appellant has indicated that a portion of a deposition that was cited on page 9 of the initial brief of respondent was not read to the jury (it was, however, presented to the trial court). The proposition in question appears elsewhere in the trial court record in an exhibit and trial testimony. Respondent plans to cite to those portions of the record in its final brief as allowed by Rule 211, SCACR. It does not plan to change any portion of the arguments or the body of the brief.

To illustrate, the initial brief reads: ADESA adopted a new set of rules in January 2010, four months before the sale of the Civic. (Guyer Dep. at 87:22-88:6, R. at ____). Respondent proposes that in the final brief, instead of citing to the Guyer deposition, it will include the record pages for Exhibit 52 and Trial Transcript pages 186:24-87:3 and 413:6-21. Respondent will not change the preceding sentence.

Respondent believes this is consistent with Rule 211, SCACR, and that no additional filings are necessary. However, if the Court so requires, Respondent will file a motion for leave to file an amended initial brief.

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The Honorable Jenny Abbott Kitchings
October 3, 2018
Page 2

Thank you for your time and attention to this matter.

Sincerely yours,


HAYNSWORTH SINKLER BOYD, P.A.

Sarah P. Spruill

SPS/jmb

cc: H. Clayton Walker, Jr. (via email only)
Robert L. Reibold (via email only)
Jamie Becker (via email only)
C. Steven Moskos
Brooks R. Fudenberg

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Jenny Abbott Kitchings	803.734.1839	

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RE: Daniel O'Shields, et al. v. Columbia Automotive Company, et al.

Appellate Case No. 2017-000902

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