THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

C. Stephen Bennett, Special Referee

Case No.: 2017-CP-27-115

Richard L. Winslow and Charmayne Winslow, ... Respondents,

v.

Matthew W. Hudson, Waste Pro USA, Inc. and
Waste Pro of South Carolina, Inc ..... Defendants,

Of which Matthew W. Hudson is the. ..... Appellant.

REPLY TO RESPONDENTS' RETURN

Pursuant to Rule 240, SCACR, Waste Pro USA, Inc. and Waste Pro of South Carolina, Inc. ("Waste Pro Defendants"), reply to Respondents' Richard L. Winslow and Charmayne Winslow's Return to their Motion to Intervene and to Stay or Dismiss Appeal ("Return").

Tellingly, Respondents do not even contest that they knowingly failed to serve the Waste Pro Defendants and/or notify them of the damages hearing once they had obtained an Order of Default against Hudson. Instead, they suggest that the fact that the Waste Pro Defendants somehow knew of a "potential action" against them, because Mr. Carr sent them a letter of representation and their insurer failed to acquiesce to their settlement demands some eight months before they filed suit, was sufficient. However, even knowing that someone *might* file a lawsuit is not the same as being served with or even notified of a lawsuit, so that a party can

protect its interests. Instead, as is described in more detail in their Motion to Intervene, Respondents purposefully orchestrated the posture of the underlying case so that they could prosecute their claim against the defaulting individual defendant, while effectively precluding the Waste Pro Defendants from presenting a defense.

I. The Waste Pro Defendants should be allowed to intervene because they are aggrieved by the Default Judgment.

Although they are not an "appellant" in this matter, the Waste Pro Defendants should be allowed to intervene because they are aggrieved by the Default Judgment. The Waste Pro Defendants have a clear financial interest in the outcome of this appeal, which was acknowledged, without objection, at the September 6, 2018 hearing. At that hearing, it was explained that, although they have insurance, the Waste Pro Defendants pay the first part of the indemnity liability of any award against Hudson. The Special Referee then noted, "[t]hat's standard to keep the rates down." (Resp. Exh. 2, p. 44:18-21). Thus, the first part of any award against Hudson will be paid directly by the Waste Pro Defendants.[1] In addition, as explained in their Motion to Intervene, the Waste Pro Defendants face the very real risk that they may be bound in one or both of the underlying lawsuits by factual determinations and other decisions rendered by this Court, without ever having been afforded an opportunity to present a defense.

[1] Furthermore, Respondents' argument that the Waste Pro Defendants have a remedy in that they can seek indemnity from Hudson rings hollow in light of their repeated demands for payment from the Waste Pro Defendants' insurer, (Motion Exh. F) (*see also* Resp. Exh. 2, p. 13:13-25), as well as the acknowledgement at the hearing that Hudson is unable to satisfy more than a minute portion of this judgment. (Resp. Exh. 2, p. 44:22-45:7 (Hudson's counsel explaining that "right now as everyone is talking about, the judgment is against [Hudson], and he lives in a trailer park, and, you know, this is not a situation where you would have a typical personal policy where it's, all right, what's the default, you got a judgment? Here is the $25,000 minimum limits, you know, that's all you can get ..." and the Court asking Respondents' counsel, "Unless it's next to Six Flags over Thomasville, Georgia, you are not interested [in a] trailer, are you? I didn't think so")).

While a party that "has not been prejudicially or injuriously affected by the judgment ... has no standing to appeal," Way v. State, 410 S.C. 377, 385, 764 S.E.2d 701, 706 (2014), *citing* Cisson v. McWhorter, 255 S.C. 174, 177 S.E.2d 603 (1970), a party has a real interest in an appeal where it has a "personal stake in the subject matter of the lawsuit," and "has a real, material, or substantial interest in the subject matter of the action, as opposed to one who has only a nominal or technical interest in the action." Charleston County Sch. Dist. v. Charleston County Election Comm'n, 336 S.C. 174, 181, 519 S.E.2d 567, 571 (1999). Put another way, because the Waste Pro Defendants have both a financial and legal stake in the outcome of this appeal, as set out above and in their Motion, they should be allowed to intervene. *See* Way, 410 S.C. at 385, 764 S.E.2d at 706 ("[a]n 'aggrieved party' as contemplated by this section is one who is injured in a legal sense, i.e., one who has been denied a personal or property right, or where a burden of obligation has been imposed"); Cisson, 255 S.C. at 178, 177 S.E.2d at 605 ("an aggrieved party is one who is injured in a legal sense; one who has suffered an injury to person or property"); Charleston County, 336 S.C. at 181, 519 S.E.2d at 572 (finding the State Election Commission had standing to pursue an appeal "because it has significant duties regarding ballot forms which give it a real and substantial interest in this case" and because the Commission was named on the complaint below). The same is true here. The Waste Pro Defendants, who were named on the Complaint in the action below but never served, face both financial and legal repercussions of the outcome of this appeal and should be allowed to intervene. In the end, Respondents' opposition to the Waste Pro Defendants' Motion to Intervene in this appeal is yet another attempt to prevent them from weighing in on the merits and presenting a defense.

Respondents misconstrue the Waste Pro Defendants' argument concerning the knowing and intentional lack of service of process on them. While a plaintiff is free to choose which alleged tortfeasor to sue, in this case, they chose to name both Hudson and the Waste Pro Defendants in their Complaint, (Motion Exh. A; Resp. Exh. 2, p. 25:8-15), but only attempted to serve Hudson. In addition, and compounding the injury, Respondents only attempted to provide notice of the damages hearing to Hudson.[2] The Waste Pro Defendants filed an Answer and, within the time allowed by Rule 15(a), SCRCP, an Amended Answer. (Motion Exh. H). Thus, contrary to Respondents' assertion, granting the Waste Pro Defendants, named parties below, leave to intervene in this appeal, does not constitute "a direction by the Court that a plaintiff is always required to sue joint tortfeasors in cases of vicarious liability." (Resp. Return pp. 6-7).

This Court should grant the Waste Pro Defendants' Motion to Intervene.

II. This Court should stay or dismiss the pending appeal.

Respondents base their argument that the appeal should not be stayed or dismissed on an assertion that they properly pled both vicarious liability and direct corporate liability against the Waste Pro Defendants. Their argument is both factually and legally flawed and, in fact, underscores the fact that this is an interlocutory appeal that should be dismissed.

Respondents apparently misconstrue the Waste Pro Defendants' assertion that their sole liability in the matter on appeal, Civil Action No. 2017-CP-27-115, is vicarious. Although as Respondents point out, subsection (d) of Paragraph 39 of their complaint, addressing the element of breach, alleges a failure to "properly hire, train, monitor, and supervise a commercial truck

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[2] As the Waste Pro Defendants noted in their Motion, the Notice of Damages Hearing was mailed to a "Mr. Matthew W. Watson" at the same address Plaintiffs previously attempted, unsuccessfully, to serve Hudson with their Complaint. In addition to the address being outdated, the notice was not even addressed to Hudson, but to a Mr. Watson. (*See* Motion Exhibit D).

operator with safe driving practices," there are no factual allegations whatsoever supporting this alleged breach. Instead, Respondents allege that "[t]he Waste Pro Defendants herein are legally responsible for the tortious conduct of their employee, Defendant Hudson, committed during the course and scope of his employment, pursuant to the doctrine of respondeat superior." (Motion Exh. A, ¶ 24).[3]

First, it is questionable that any alleged cause of action based on negligent hiring, training, monitoring and/or supervision of Hudson would survive a Rule 12(b)(6) motion for failure to state a claim. *See* Bradshaw v. Anderson County, 388 S.C. 257, 262, 695 S.E.2d 842, 844 (2010) (Rule 12(b)(6), SCRCP, "permits a defendant to move for a judgment on the pleadings when the defendant contends the complaint fails 'to state facts sufficient to constitute a cause of action'"); *see also* James v. Kelly Trucking Co., 377 S.C. 628, 633, 661 S.E.2d 329, 331 (2008) (in determining whether a party can proceed to trial on a cause of action, "the trial court typically concerns itself only with whether the plaintiff's complaint states a factual basis to support a cause of action ...").

In Doe v. ATC, Inc., 367 S.C. 199, 206, 624 S.E.2d 447, 450-451 (Ct. App. 2005), this Court explained that negligent hiring and retention claims "turn on two fundamental elements – knowledge of the employer and foreseeability of harm to third parties." Even viewing the Complaint generously, (Motion Exh. A), there are no facts alleged that would show the Waste Pro Defendants knew Hudson posed a risk to other motorists on the highway, much less that any

[3] In addition, Respondents did not contest the Waste Pro Defendants' repeated assertion below that their sole liability in this action is vicarious liability. (*See* Exh. J, p. 3; Exh. K, p. 2; Exh. P, p. 2). The fact that they do so for the first time before this Court suggests this argument is not preserved, Creighton v. Coligny Plaza Ltd. P'ship, 334 S.C. 96, 108, 512 S.E.2d 510, 516 (Ct. App. 1998) (an argument raised for the first time on appeal is not preserved for appellate review), and requires the Waste Pro Defendants to respond in detail to the substance of this assertion.

harm to third parties was foreseeable. There are no factual allegations concerning the Waste Pro Defendants' hiring, training, monitoring or supervision of Hudson. As such, even if this Court were to accept Respondents' argument that they pled a claim for the independent liability of the Waste Pro Defendants, which is denied, Respondents failed to set forth any facts, let alone sufficient facts, to maintain such a claim.

Second, even if, solely for the sake of argument, Respondents properly alleged both vicarious and direct liability (in the form of a negligent hiring, training, monitoring supervision claim), the concerns raised in Frow v. De La Vega, 82 U.S. 552 (1872), and its progeny nonetheless dictate that this appeal which should be stayed or, more appropriately, dismissed because the Default Judgment below is not a final judgment. Respondents' attempts to distinguish and undermine Frow are ineffective. Respondents assert that Frow has been "substantially affected by the adoption of Rule 54, SCRCP,"[4] but ignore the Fourth Circuit's statement of Frow in light of the later enactment of Rule 54(b).[5] Where liability against multiple

[4] Rule 54(b) provides, in pertinent part, that, "[w]hen more than one claim for relief is presented in an action ... or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties *only upon an express determination that there is no just reason for delay* and upon an express direction for the entry of judgment. *In the absence of such determination and direction, any order or other form of decision* ... which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties *shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.*" Rule 54(b), SCRCP (emphasis added).

[5] Even the case cited by Respondents states, unequivocally that "the Fourth Circuit has taken a broader view, holding that the *Frow* procedure and Rule 54(b) are 'strikingly similar' and thus applying *Frow* 'not only to situations of joint liability but [also] to those where the liability is joint and/or several.'" People's United Equip. Fin. Corp. v. Wright, Civ. No. 1:11cv0249 (LMB/JFA), 2011 U.S. Dist. LEXIS 73107 *7; 2011 WL 2607155 (June 9, 2011), *citing* United States use of Hudson v. Peerless Ins. Co., 374 F.2d 942, 944 (4th Cir. 1967). People's United

defendants is joint and/or several and a default judgment is obtained against one or some, but not all of them, that judgment is not final and, "[a]s such, [is] subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of *all* the parties." United States use of Hudson v. Peerless Ins. Co., 374 F.2d 942, 944 (4th Cir. 1967). There, the Fourth Circuit explained that the appealed judgments before it were "interlocutory in nature by reference to Rule 54(b)," and that "[a]lthough *Frow* was a case of joint liability, we think the procedure established for multiple defendants by Rule 54(b) is strikingly similar and applicable to not only situations of joint liability but to those where the liability is joint and/or several." Id.

Even if Respondents have slightly different but viable claims against Hudson and the Waste Pro Defendants, which the Waste Pro Defendants do not concede, the concerns expressed in Frow and its progeny still dictate that this appeal be dismissed. In Phoenix Renovation Corp. v. Gulf Coast Software, Inc., 197 F.R.D. 580 (E.D. Va. 2000), the plaintiff filed an action against two defendants, a software manufacturer and a software distributor. After only one defendant answered the complaint, the plaintiff obtained a default judgment against the non-answering defendant. The answering defendant objected to the entry of the default judgment against the non-answering defendant prior to the resolution of its dispute with the plaintiff. The district

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Equip. is factually and meaningfully distinguishable from the case at hand in that it involved a contractual obligation under a signed guaranty agreement that provided, in pertinent part, that the "Guarantor (whether one or more) agrees to be directly and unconditionally liability to [plaintiff] ... for the due payment and performance of all Obligations." Husband, who signed the agreement, was in default. Wife, who alleged Husband had forged her signature, was not. Under these specific facts, the court found that "the result in this case against each [defendant] will not be logically inconsistent" because if Wife prevailed against Husband under her theories of fraud and forgery "a default judgment finding [Husband] to be liable for the debt would not be affected. And if plaintiff prevails against [Wife], there is no inconsistency in the court finding that each defendant is liable to plaintiff for the full amount of the debt." Because People's United Equip. involved a significantly different factual scenario than the tort case involved in this appeal, the result reached there does not apply here.

court first explained that, in reference to Rule 54(b), the "avoidance of logically inconsistent judgments in the same action and factually meritless default judgments provide 'just reason'" for delaying an appeal. 197 F.R.D. at 582. The court then explained that, although the claims against the two defendants were not exactly the same, the claims against one defendant were "largely subsumed by its theory of recovery against" the other defendant, and the plaintiff's "theories of recovery against both defendants are primarily premised on common facts concerning the [alleged negligence] ... the defendants are 'similarly situated' with respect to the facts which, if established, would foreclose liability under the causes of action pleaded." 197 F.R.D. at 583. As a result, it refused to enter a default judgment against the non-answering defendant. Similarly, here, Respondents' theory of recovery against both Hudson and the Waste Pro Defendants is premised on common factual allegations of Hudson's alleged negligence, and its claims against the Waste Pro Defendants are entirely dependent on a finding that Hudson was negligent.

In United Fin. Cas. Co. v. Lewis, No.: 4:08-cv-4014-TLW-TER, 2009 U.S. Dist. LEXIS 85860 *4-5 (D. S.C. Aug. 13, 2009), the insurer filed a declaratory judgment action seeking a determination as to the proper limits of its commercial automobile policy that insured a tractor that was involved in a serious accident. The injured party answered the complaint but the owner and driver of the tractor did not. The South Carolina District Court denied United's motion for a default judgment against the owner and the driver, explaining that "United is seeking the same 'relief' against [the injured party] as it is against [the owner and the driver] in the form of a declaratory judgment that coverage under the policy" is limited. 2009 U.S. Dist. LEXIS 85860 *4. Citing Frow, the court refused to enter a default judgment against the owner and the driver because entering judgment on the merits against defaulting defendants "pending the continuance

of the case against the remaining defendants would be 'incongruous' and 'absurd.'" 2009 U.S. Dist. LEXIS 85860 *5. Similarly, the relief Respondents seek against both the Waste Pro Defendants and Hudson is the same, and allowing the Default Judgment against Hudson to stand "pending the continuance of the case against the [Waste Pro Defendants] would be 'incongruous' and 'absurd.'"

Finally, even if this Court does not grant the Waste Pro Defendants' Motion to Intervene, it nonetheless should dismiss this appeal for lack of appellate jurisdiction. As noted in Ashenfelder v. City of Georgetown, 389 S.C. 568, 571, 698 S.E.2d 856, 858 (Ct. App. 2010), even if not raised by the parties to an appeal, an appellate court may address the issue of appealability *ex mero motu*." And as this Court explained in Ashenfelder, under Rule 54(b), which is substantively similar to the federal rule, "absent a certification under Rule 54(b) any order in a ... multiple [] claim action, even if it appears to adjudicate a separable portion of the controversy, is interlocutory." 389 S.C. at 577, 698 S.E.2d at 861. "Where a suit remains pending in the district court, an order dismissing one claim or defendant but not others ordinarily is not final." Baird v. Palmer, 114 F.3d 39, 42 (4th Cir. 1997). Such an order "may be immediately appealed if the district court; (1) expressly directs entry of judgment as to those claims or parties; **and** (2) expressly determines that there is no just reason for delay." Id. (emphasis added). Here, neither the Order of Judgment, (Motion Exh. E), nor the Special Referee's Order Denying Defendant Matthew W. Hudson's Motion to Vacate Default Judgment, (Motion Exh. N), makes those express findings or determinations.

Furthermore, the trial court recently issued a Form 4 Order refraining from ruling on the motions pending in Civil Action No. 2017-CP-27-115 pending the outcome of this appeal because "these matters are affected by the appeal." (Exh. R, hereto) (*see also* Motion Exh. Q, p.

5 (correspondence from the Trial Judge's clerk indicating the judge believes "**many of the issues are identical or, at the very least, substantially similar to the ones before her**")). In addition, the Trial Judge dismissed, without prejudice, the Waste Pro Defendants' Motion to Dismiss the duplicate claim filed in Civil Action No. 2018-CP-27-442 because that matter also "is affected by the appeal pursuant to Rule 205, SCACR." (Exh. S, hereto). However, it is unclear whether the Trial Judge will allow discovery to proceed in the duplicate action, which Respondents have indicated they are intent on pursuing. (Motion Exh. Q, p. 3). Thus, both the Waste Pro Defendants and the courts face the risk of inconsistent judgments being rendered in two separate actions involving the same parties, the same nucleus of operative facts and the same damages.

CONCLUSION

For all the reasons stated herein and in their Motion to Intervene, this Court should grant the Waste Pro Defendants' Motion to Intervene in this appeal. In addition, this Court should hold that the Default Judgment against Hudson alone is not a final judgment and either stay or dismiss this appeal without prejudice. Finally, the Waste Pro Defendants renew their request that the briefing schedule in this appeal be suspended until this Motion has been decided.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC

February 1, 2019

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ATTORNEYS FOR DEFENDANTS WASTE PRO USA, INC. and WASTE PRO OF SOUTH CAROLINA, INC.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Jasper
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2017CP2700115

Richard Winslow et al
PLAINTIFF(S)

Matthew Hudson et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

Plaintiffs' Motion to Dismiss and Defendants' Motion to Vacate were before the Court on December 10, 2018. After careful consideration, the Court finds that these matters are affected by the appeal pursuant to Rule 205, SCACR, and hereby refrains from ruling on the underlying motions until disposition of the appeal.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/30/2019 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

EXHIBIT
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Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

Jasper Common Pleas

Case Caption: Richard Winslow , plaintiff, et al VS Matthew Hudson , defendant, et al

Case Number: 2017CP2700115

Type: Order/Electronic Form 4

So Ordered

s/ Maite Murphy 2166

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Jasper
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP2700442

Richard Winslow et al
PLAINTIFF(S)

Waste Pro Of South Carolina, Inc. et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

Defendants' Motion to Dismiss was before the Court on December 10, 2018. After careful consideration, the Court finds that this matter is affected by the appeal pursuant to Rule 205, SCACR, and dismisses Defendants' Motion without prejudice until disposition of a related case on appeal with substantially similar parties, subject matter, and legal issues.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/30/2019 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

EXHIBIT
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Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

Jasper Common Pleas

Case Caption:	Richard Winslow , plaintiff, et al VS Waste Pro Of South Carolina, Inc. , defendant, et al
Case Number:	2018CP2700442
Type:	Order/Electronic Form 4

So Ordered

s/ Maite Murphy 2166

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

C. Stephen Bennett, Special Referee

Case No.: 2017-CP-27-115

Richard L. Winslow and Charmayne Winslow, ... Respondents,

v.

Matthew W. Hudson, Waste Pro USA, Inc. and
Waste Pro of South Carolina, Inc ..... Defendants,

Of which Matthew W. Hudson is the. .....Appellant.

PROOF OF SERVICE

I certify that I have served Waste Pro USA, Inc. and Waste Pro of South Carolina, Inc.'s **Reply to Respondents' Return** on the other parties to this appeal by depositing a copy of it in the United States Mail, postage prepaid, on February 1, 2019, addressed to their respective attorneys of record as follows:

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mgc

Reply To
HELEN F. HISER
Direct Dial: (843) 576-2930
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February 1, 2019

Via U.S. Mail
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Richard L. Winslow and Charmayne Winslow v. Matthew W. Hudson and Waste Pro USA, Inc., and Waste Pro of South Carolina, Inc., and Liberty Mutual Fire Insurance Co., and Liberty Mutual Insurance Group, Inc.
Civil Action No.: 9:18-cv-426-MBS (Beaufort)
Date of Incident: November 4, 2015
Carrier Claim No.: AB505-382519-01
MGC File No.: 2095.17210
Appeal No.: 2018-001955

Dear Ms. Kitchings:

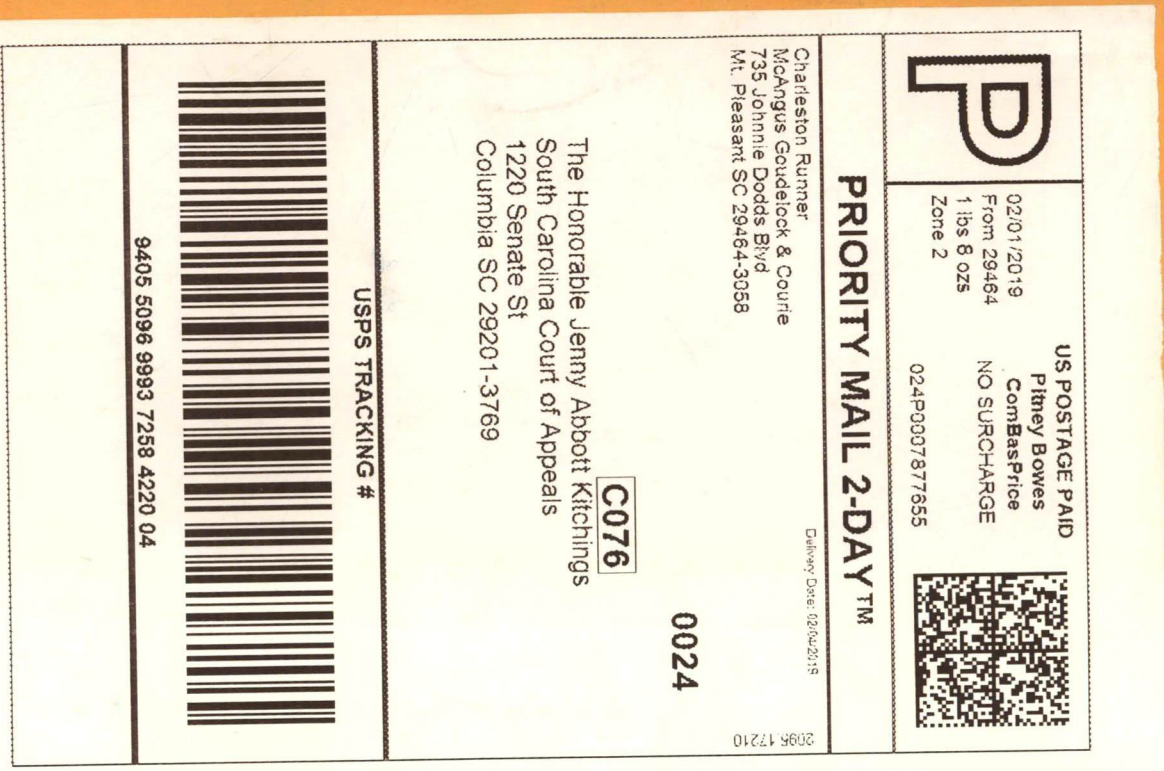
Enclosed please find the original and seven (7) copies of Waste Pro USA, Inc. and Waste Pro of South Carolina, Inc.'s Reply to Respondents' Return, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the enclosed self-addressed, stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely,
McAngus Goudelock & Courie, LLC

Helen F. Hiser

Enclosures
cc: Patrick W. Carr, Esquire
David S. Cobb, Esquire
Douglas Sleezer, Liberty Mutual Insurance



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