

## CONCLUSION


Admittedly, Appellants failed to comply with the court's order compelling discovery in the time allowed. But at no point have Appellants completely ignored their duty to engage in discovery. In fact, Appellants have produced roughly 21,000 documents in their attempts to comply. This fact, standing alone, should not have triggered—as it did—the harshest sanction at the court's disposal.

In sum, the trial court failed to demonstrate the reasonable factual support necessary to reach a finding of prejudice. And, in failing to support that finding, the trial court struck Appellants' answers, denying them the opportunity to try the issue of liability, without considering whether lesser alternatives could be harnessed to achieve the ends of justice. These shortcomings are errors of law, and thus, render the trial court's order striking Appellants' answers an abuse of discretion.

For the reasons stated, this Court should reverse the judgment of the circuit court.

December 28, 2018

Respectfully submitted,

  
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in the trial court to justify both her original motion to compel and her later motion for sanctions. But the reiteration of these *factual* points does not address the *legal* deficiency of the trial court's order. The crux of this appeal is not whether Respondent provided factual support for her arguments, nor whether the trial court had the opportunity to mull over those points. Because even if this Court were to accept both as given, this issue persists: the trial court failed to set forth an adequate basis for the exercise of its discretion to strike Appellants' Answers.


This failing constitutes an abuse of discretion as a matter of law.

### CONCLUSION

WHEREFORE, for the foregoing reasons and for the reasons set forth in the Initial Brief of Appellants, this Court should REVERSE the trial court's order striking Appellants' Answers.

Respectfully submitted,

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