

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE CHARLESTON COUNTY  
COURT OF COMMON PLEAS

Frank D. Addy, Jr., Circuit Court Judge

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Case No. 2016-CP-10-3696

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**RECEIVED**  
MAY 09 2019  
SC Court of Appeals

MARGARET CARR,

Respondent

v.

TW GRAHAM and COMPANY, LLC,

Appellant

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**Memorandum in Opposition of Appellant's Notice of Motion  
and Motion to Supplement Appellant's Designation of Matter  
and Records on Appeal**

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Respondent, Margaret Carr, through her attorney, Brice E. Ricker hereby objects to the Appellant's Motion to supplement its Designation of Matter and Record on Appeal. The basis for the objection is that an affidavit from the appellant submitted after the hearing for default and after the order for publication cannot possibly be relevant to any of the three arguments proffered by the Appellant as justification for overturning the Default and Damages orders.

The Appellant argues that (1) the respondent "failed" to serve the defendant by sending a copy of the pleadings to the Secretary of State (*albeit – this argument is subsequently conceded by the Appellant in its brief as several other alternative service methodologies are acceptable –*

*including publication, which is the crux of the issue on appeal*), (2) the clerk failed to follow applicable statutes in their order of publication, and (3) the affidavit of service was inadequate in that the sworn statement fails to conform to statutory requirements. While each argument is vehemently disputed, an affidavit by the appellant signed after the orders which the Appellant seeks to overturn could not possibly be relevant to any of the aforementioned arguments.

Rather, the appellant's opinions, observations, and memories of events while service was perfected only clouds the issues before the court; resultantly, the respondent respectfully asks the court to deny the motion to supplement its Designation of Matter and Record on Appeal.

Respectfully submitted,



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Brice E. Ricker  
Wigger Law Firm, Inc.  
8086 Rivers Avenue, Suite A  
North Charleston, South Carolina 29406  
(843) 553-9800

Attorney for Respondent  
Margaret Carr

May 6, 2019

THE STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**

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I certify that I have served the Respondent Margaret Carr's Memorandum in Opposition of Appellant's Notice of Motion and Motion to Supplement Appellant's Designation of Matter and Records on Appeal to Appellant TW Graham and Company, LLC by depositing a copy of the same in the United States Mail, postage prepaid, on May 6, 2019, addressed to their attorneys of record Dennis E. O'Neill, Esquire; O'Neill Law Firm, LLC; 1473 Stuart Engals Blvd.; Mt. Pleasant, South Carolina 29464 and C. Mac Gibson, Jr., Esquire; 1473 Stuart Engals Blvd.; Mt. Pleasant, South Carolina 29464.

May 6, 2019



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Brice E. Ricker  
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# Wigger Law Firm, Inc.

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By National Board of Trial Advocacy

May 6, 2019

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SC Court of Appeals


Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: Margaret Carr, Respondent v. TW Graham and Company, LLC, Appellant  
Appellate Case No.: 2018-001738

Dear Ms. Kitchings:

Please find enclosed our Memorandum in Opposition of Appellant's Notice of Motion and Motion to Supplement Appellant's Designation of Matter and Records on Appeal and Proof of Service regarding the above-referenced matter. Please forward the filed documents to me in the self-addressed stamped envelope I have provided for your convenience. Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



Brice E. Ricker

BER/bmc  
Enclosures

cc: Dennis E. O'Neill, Esquire  
C. Mac Gibson, Jr., Esquire

**Wigger Law Firm, Inc.**

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