

90702

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

APPELLATE CASE NO. 2017-000902

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,

Appellants

Respondent.

RECEIVED
AUG 29 2019
SC Court of Appeals

Motion re Final Briefs

A.

The Initial Brief of Appellants was 49 pages plus one line of text, and a signature block. The Final Brief is 51 pages. This is largely due to replacing numerous initial references along the lines of "123:8-124:10" with final references along the lines of "R. p. 123, line 8-R. p. 124, line 10." It is also in part due to replacing references such as "pp. 2-3," where the paragraph of the Brief had already identified the referenced document, with final references along the lines of "R. pp. 1876-77."

Counsel had understood the page limits stated in the rule regarding Initial Briefs, Rule 208, SCACR, to apply only to Initial Briefs, and that the requirement to replace the "intelligible abbreviations" in the Initial Brief, Rule 208(4) with more formal references in the Final Briefs, Rule 211(b)(1), together with the prohibition on adding new material, *id.*, paragraph (b)(2), and the lack of page limits in the Rule regarding Final Briefs, Rule 211, was because the framers of

the Rules realized that adding more formal citations could expand the length of briefs, and that would be permissible, as long as new material was not added.

However, counsel has recently consulted with various South Carolina attorneys and found a divergence of opinion on the matter.

Accordingly, to the extent a motion must be made to exceed 50 pages for a Final Brief, Appellants request leave to do so.

B.

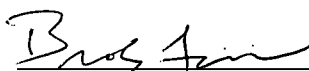
Appellants' initial Reply Brief cited two unpublished cases without noting that they were unpublished.¹ Appellants have revised these citations in the final Reply Brief.

Appellants will be providing 15 copies of the main and Reply briefs on Tuesday, the 27th. Appellants respectfully request that they be accepted.

Respondent's counsel has consented to this motion.

Respectfully submitted,

August 27, 2019



Brooks R. Fudenberg
Law Offices of Brooks R. Fudenberg, LLC
171 Church Street, Suite 160
Charleston, SC 29401
Tel. (843) 416-2558
eFax: (910) 401-1242
BRF@Fudenberglaw.com
Attorney for Appellants

¹ These cases are *Crystal Coast Invs., LLC v. Lafayette SC, LLC*, cited on page 15 of the initial brief, and *Davis v. Chase Home Fin., LLC*, cited in note 20 on page 20.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Appellate Case No. 2017-000902

RECEIVED
AUG 29 2019
SC Court of Appeals

Daniel O'Shields And Roger W.
Whitley A Partnership d/b/a
O&W Cars,

Appellants,

v.

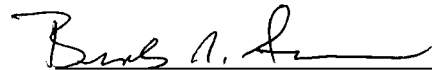
Columbia Automotive Company,
LLC d/b/a Midlands Honda,

Respondent.

PROOF OF SERVICE

I certify that I have served the Appellants' Motion re Final Briefs on Columbia
Automotive Company, LLC d/b/a Midlands Honda by depositing a copy of it in the United States
Mail, postage prepaid, on today's date, addressed to its attorney of record Sarah P. Spruill, Esq.,
Haynsworth Sinkler Boyd, P.A. , Post Office Box 2048, Greenville, South Carolina 29602

8/27/2019



Brooks R. Fudenberg
Law Office of Brooks R.
Fudenberg LLC
171 Church Street, Suite 160
Charleston SC 29401
843-416-2558

LAW OFFICE OF BROOKS R. FUDENBERG, LLC

171 Church Street, Suite 160
Charleston, South Carolina 29401
BRF@Fudenberglaw.com
Tel. 843-416-2558
eFax: 1-910-401-1242

August 27, 2019

RECEIVED
AUG 29 2019
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 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
Appellate Case No. 2017-000902

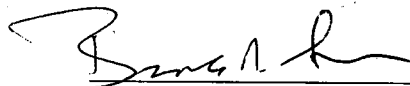
Dear Ms. Kitchings:

Per my conversation with your office today, I am enclosing an unbound original and 7 bound copies of the final Brief of Appellants and of the Reply Brief. By separate cover, I have sent an unbound and 7 bound copies of the Record on Appeal.

Please also find enclosed:

- * an original and seven (7) copies of a Motion re the final briefs;
- * an original proof of service regarding the same,
- * a check in the amount of \$50.00 as the filing fee, and
- * a proof of service regarding the briefs.

Sincerely,



Brooks R. Fudenberg
Law Office of Brooks R. Fudenberg LLC
Attorney for Appellants

cc: Sarah P. Spruill, Esq.

C. Steven Moskos, Esq