THE STATE OF SOUTH CAROLINA
(In the Court of Appeals)

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2017-CP-26-8184

Jane Doe, ... Appellant,

v.

Crazy Horse Saloon & Restaurant, Inc., d/b/a Thee New Dollhouse and
Dog Leg Right, LLC, ... Respondents.

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

I. **Did the trial court err in vacating the default judgment entered against Respondents where there was no factual support to justify a finding of "good cause" much less "excusable neglect" for Respondents' failure to answer timely?**

II. **Did the trial court err in granting Respondents summary judgment where there were material questions of fact still to be resolved, where Respondents failed to provide Appellant sufficient notice of the grounds for their motion, and where discovery was incomplete at the time of the ruling?**

STATEMENT OF THE CASE

Appellant commenced this action by filing a Summons and Complaint on December 12, 2017 in the Horry County Court of Common Pleas. (Complaint.) All Respondents were duly served December 18, 2017 and none timely responded. (Motion for Default with Exhibits). The trial court entered the Order for Default Judgment on February 23, 2019. (Order for Default Judgment). Three months after service, Respondents moved to vacate the default judgment claiming without evidentiary support that their insurance company failed to provide coverage or a defense and that somehow excused their failure to answer timely. (Motion to Vacate Default Judgment). Judge Culbertson granted Respondent's Motion on May 18, 2018 via form order, (May 16, 2018 Order), after a hearing in which no affidavits were presented and counsel for Respondents claimed his clients were surprised their carrier had failed to defend when it had defended them in a recent similar suit. (Trans. May 15, 2018).

After being let out of default and prior to the completion of discovery, Respondents filed a generic motion for summary judgment claiming entitlement to judgment as a matter of law without more and without filing a memorandum of law or supporting documents. (February 26,

2019 Motion for Summary Judgment.) Despite the lack of proper notice and Appellant's objections, the lower court proceeded to hear arguments on Respondents' motion for summary judgment and granted their motion at the April 2019 hearing. (Trans. April 3, 2019). A formal order followed on May 6, 2019. (May 6, 2019 Order). Appellant filed her Motion to Alter or Amend on May 16, 2019 which was denied by an Order dated July 23, 2019. (Order Denying Motion to Alter or Amend). This appeal follows.

STATEMENT OF FACTS

Appellant, Jane Doe, is suing her former employers for negligence, invasion of privacy, and intentional infliction of emotional distress based on her employers' surreptitious recordings of her that they then broadcast via the internet for profit. (Complaint). Appellant worked as a cocktail waitress at Respondents' adult entertainment club in Horry County, South Carolina from the summer of 2016 until December of 2016. (Doe Depo. p. 11, line 20 – p. 12, line 4). Appellant was not an exotic dancer, performer or stripper. (Doe Depo. p. 20, line 15 – p. 21, line 1). As part of her job duties, Respondents required Appellant to wear a cocktail waitress outfit they provided. (Doe Depo. p. 14, lines 2 – 15). Appellant would enter the club in her personal clothing and then change into the mandatory cocktail waitress outfit. (Doe Depo. p. 15, lines 8 – 24). Respondents provided two dressing rooms at the club, one allegedly for the cocktail waitresses and one for the entertainers. (*Id.*)

According to the testimony developed during discovery, Appellant and other cocktail waitresses routinely used the entertainers' dressing room as well as their own because they needed to have other employees help put on the uniforms and they had to purchase items from the House mom outside of their dressing room. (Doe Depo. p. 25, line 3 – p. 26, line 2). In addition, Appellant and other cocktail waitresses would enter the entertainers' dressing room to

put on makeup, use the bathrooms and to wait in line to be inspected by the house mother before beginning their shift. (*Id.*) The only bathrooms for the employees to use were located on the second floor in the entertainers' dressing room. Further, the house mother's office was located at the end of the entertainer's dressing room and all of the entertainers and cocktail waitresses were required to be inspected by the house mom before they could begin their shifts. (Doe Depo. p. 35, line 19 – p. 37, line 7).

At all times while Appellant worked as a cocktail waitress, she believed that the dressing rooms were private areas and that she was not being video-taped, recorded or part of a live feed over the internet. (Doe Depo. p. 16, line 23 – p. 18, line 4; p. 24, lines 3 – 20). She never saw any cameras in the various dressing room areas and had no idea the employees were being recorded in those private areas. (Doe Depo. p. 18, line 5 – p. 19, line 9). Appellant was unaware Respondents had set up a 24-hour live feed video of the entertainers' dressing room for which customers could pay a monthly fee to access and watch. (McNamee Depo. p. 13 lines 13-18, lines 21-24 and p. 14 lines 16-19). When Appellant learned of the video broadcast for profit scheme, she was humiliated, upset, and angry. (Doe. Depo. p. 37, line 13 – p. 38, line 8).

ARGUMENT

I. The trial court abused its discretion in vacating the default order because there was no factual support to justify a finding of "good cause" much less "excusable neglect."

The decision whether to set aside an entry of default or a default judgment lies solely within the sound discretion of the trial judge. *Sundown Operating Co. v. Intedge Indus., Inc.*, 383 S.C. 601, 606–07, 681 S.E.2d 885, 888 (2009) *citing Harbor Island Owners' Ass'n v. Preferred Island Props.*, Inc., 369 S.C. 540, 544, 633 S.E.2d 497, 499 (2006). The trial court's decision will not be disturbed on appeal absent a clear showing of an abuse of that discretion. *Id.* at 607

citing Mitchell Supply Co., Inc. v. Gaffney, 297 S.C. 160, 162–63, 375 S.E.2d 321, 322–23 (Ct. App. 1988). However, where, as here, the judge issuing the order was controlled by some error of law or when the order, based upon factual, as distinguished from legal conclusions, is without evidentiary support, this Court will reverse the lower court. *Id. citing In re Estate of Weeks*, 329 S.C. 251, 259, 495 S.E.2d 454, 459 (Ct. App. 1997).

Respondents sought relief from the default judgment pursuant to Rule 60(b), SCRCP. Rule 60 allows the circuit court to relieve a party from a judgment for "mistake, inadvertence, surprise, or excusable neglect...." Rule 60(b)(1), SCRCP. "In determining whether a default judgment should be set aside under Rule 60(b)(1), '[t]he promptness with which relief is sought, the reasons for the failure to act promptly, the existence of [a] meritorious defense, and the prejudice to the other parties are relevant.'" *New Hampshire Ins. Co. v. Bey Corp.*, 312 S.C. 47, 50, 435 S.E.2d 377, 379 (Ct. App. 1993); *Hill v. Dotts*, 547 S.E.2d 894, 345 S.C. 304 (Ct. App. 2001).

Here, Respondents failed to show any surprise, inadvertence or excusable neglect. They do not dispute that service of process was proper or that they had actual notice of the lawsuit. Our State's courts have long held that "a party has a duty to monitor the progress of his case. Lack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to any lesser standard than is applied to an attorney." *Goodson v. Am. Bankers Ins. Co.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1988). "It is always a matter of regret that a party should not have his day in court. However, [where a party has been] duly served with the summons and complaint [it is their] duty to answer the complaint ... [and they] must suffer the consequence of [their] failure to answer." *Williams v. Ray*, 232 S.C. 373, 383-84, 102 S.E.2d

368,373 (1958). Respondents offered no testimony or evidence regarding their failure to timely answer other than the bald arguments of counsel in their motion and at the hearing.[1]

Even if Respondents' counsel's statements could be considered evidence, his explanation of what happened in this case falls far short of meeting the excusable neglect standard and the trial court failed to apply the correct controlling standard. The trial court concluded that because the insurance carrier waited until Respondents were in default to deny coverage, Respondents had shown "good cause" and were relieved of the obligation to answer timely. (Trans. May 16, 2018, p. 12, lines 9 –20). However, "[t]he standard for granting relief from a default judgment under Rule 60(b) is more rigorous than the 'good cause' standard established in Rule 55(c). Once a default judgment has been entered, a party seeking to be relieved must do so under Rule 60(b), SCRCP. The standard for granting relief from a default judgment under Rule 60(b) is more rigorous than the "good cause" standard established in Rule 55(c). *Sundown Operating Co. v. Intedge Indus., Inc.*, 383 S.C. 601, 608, 681 S.E.2d 885, 888 (2009); *Ricks v. Weinrauch*, 293 S.C. 372, 374, 360 S.E.2d 535, 536 (Ct. App. 1987). Rule 60(b) requires a more particularized showing of mistake, inadvertence, excusable neglect, surprise, newly discovered evidence, fraud, misrepresentation, or "other misconduct of an adverse party." Rule 60(b), SCRCP. The different standards under the two rules underscore the clear intent to make it more difficult for a party to avoid a default once the court has entered a judgment, which carries greater finality, and often occurs later than, a clerk's entry of default. The trial court in this case merely found "good cause" and did not apply more rigorous Rule 60(b) standard it should have applied.

[1] "Every trial judge knows, as every trial lawyer knows, and every appellate court judge should know, that the statements of counsel in an argument are not evidence but are merely the expression of his individual view …." *Harper v. Bolton*, 239 S.C. 541, 562, 124 S.E.2d 54, 64 (1962) (J. Bussey in dissent)

As recounted at the motion hearing, the parties had been discussing Appellant's claim pre-suit and all were aware a suit was coming. (Trans. May 16, 2018 p. 5, line 5 – p. 6, line 14). Appellant filed suit in December of 2017, properly served all Respondents and waited for months for response. (*Id.*) Respondents notified their insurance carrier but took no other steps to defend their rights until their time to answer had already run and the carrier had denied coverage. (Trans. May 16, 2018, p. 3, line 14 – p. 4, line 4). Ninety-four (94) days elapsed between service and Respondents' Motion to Vacate the Default Order during which time Appellant applied for and received an Order of Default. Respondents' only excuse is that they believed their carrier "was handling it" but they took no steps to confirm their interests were being represented. The mere fact that Respondents did not bother to follow up with their carrier does not excuse their neglect in failing to file an Answer to the action. Their unjustified assumption that some third party was acting on their behalf does not and should not qualify as excusable neglect or inadvertence sufficient to set aside a default judgment.

Moreover, Respondents proof of a "meritorious defense" consisted entirely of the trial court asking Respondents' counsel if there was a meritorious defense and him saying, "Yes, sir. ... It involves cameras. And I've been dealing with this matter for a while, so there is a meritorious defense in this ...." (Trans. May 16, 2018, p. 4, line 22 – p. 5, line 2). Additionally, the trial court failed to consider in any fashion the obvious prejudice to Appellant and merely concluded that because the insurance carried waited until Respondents were in default to tell them there was no coverage; Respondents had shown "good cause" and were relieved of the obligation to answer timely. (Trans. May 16, 2018, p. 12, lines 9 –20).

The facts in this case are analogous to those in *Sundown Operating Co. v. Intedge Indus.*, Inc., 383 S.C. 601, 609, 681 S.E.2d 885, 889 (2009), where the Supreme Court affirmed a trial

court's refusal to set aside a default judgment when an insurance company was notified of a claim and failed to answer on behalf of its insured. There, the Court confirmed that "the law is clear that an attorney or insurance company's misconduct is imputable to the client." *Id. citing Williams v. Vanvolkenburg*, 312 S.C. 373, 375, 440 S.E.2d 408, 409 (Ct. App. 1994) (observing that an attorney's negligence in failing to answer is imputable to the defendant) and *Roberts v. Peterson*, 292 S.C. 149, 151, 355 S.E.2d 280, 281 (Ct. App. 1987) (recognizing that negligence of an attorney or insurance company is imputable to a defaulting litigant). In so ruling, the Supreme Court ruled that, "a defendant may not be relieved from the entry of default *solely* because it relied to its detriment on a negligent insurance agent." *Sundown*, 383 S.C. at 609, 681 S.E.2d at 889. *See also Richardson v. P.V., Inc.*, 383 S.C. 610, 618–19, 682 S.E.2d 263, 267 (2009) (Negligence of an insurance company is imputed to a defaulting litigant and cannot constitute good cause to vacate an entry of default and waiting over two months after the entry of default without proof of a meritorious defense or arguing plaintiff will not be prejudiced if the entry of default is lifted is insufficient to justify vacating the default judgment).

Similarly, Respondents' reliance on the fact that their insurer belatedly refused to provide coverage is also unavailing. In *Hill v. Dotts*, 345 S.C. 304, 311, 547 S.E.2d 894, 898 (Ct. App. 2001), the party failing to answer timely claimed his belief that he was uninsured was a sufficient reason to set aside the default judgment. The Court of Appeals explicitly rejected that argument finding, "his insured status was not relevant to the allegations set forth in the complaint. Therefore, a mistake concerning the existence of insurance coverage for the accident was not germane to his failure to answer." As in all Rule 60(b) motions, "[t]he party seeking to set aside the judgment 'has the burden of presenting evidence proving the facts essential to entitle him to relief.'" *ITC Commercial Funding, LLC v. Crerar*, 393 S.C. 487, 495, 713 S.E.2d 335, 339 (Ct.

App. 2011). Here, Respondents have offered zero facts that would establish entitlement to relief and this Court should reverse the trial court's vacating of the default judgment.

II. The trial court should not have granted Respondents' Motion for Summary Judgment where there were material questions of fact still to be resolved, where Respondents failed to provide Appellant sufficient notice of the grounds for their motion, and where discovery was incomplete at the time of the hearing.

Appellant is before the Court challenging the trial court's grant of summary Judgment made pursuant to Rule 56 of the South Carolina Rules of Civil Procedure. S.C.R.C.P. 56(c); *Platt v. CSX Transportation Inc.*, 665 S.E.2d 631 (Ct. App. 2008). Summary judgment is only appropriate when "there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law." In evaluating whether a genuine dispute as to a material factual issue exists, the lower court should have viewed all evidence, including all reasonable inferences flowing from that evidence, in the light most favorable to the non-moving party, in this case, Appellant. *Platt*, 665 S.E.2d at 634. See also *Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 611 S.E.2d 485 (2005); *Medical Univ. of S.C. v. Arnaud,* 360 S.C. 615, 602 S.E.2d 747 (2004); *Hackworth v. Greenville County*, 371 S.C. 99, 102, 637 S.E.2d 320, 322 (Ct. App. 2006); *Rife v. Hitachi Constr. Mach. Co., Ltd.*, 363 S.C. 209, 609 S.E.2d 565 (Ct. App. 2005).

"In determining whether the trial court erred in granting summary judgment, an appellate court views the evidence and all reasonable inferences in the light most favorable to the nonmoving party." *Englert, Inc. v. LeafGuard USA, Inc.*, 377 S.C. 129, 134, 659 S.E.2d 496, 498 (2008). Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. *Brockbank v. Best Capital Corp.*, 341 S.C. 372, 534 S.E.2d 688 (2000); *Vermeer Carolina's, Inc. v. Wood/Chuck Chipper Corp.*, 336 S.C. 53, 518 S.E.2d 301 (Ct. App. 1999). All ambiguities, conclusions, and inferences arising from the

evidence must be construed most strongly against the moving party. *Bayle v. South Carolina Dep't of Transp.*, 344 S.C. 115, 542 S.E.2d 736 (Ct. App. 2001); *see also Ferguson v. Charleston Lincoln Mercury, Inc.*, 349 S.C. 558, 563, 564 S.E.2d 94, 96 (2002) ("On appeal from an order granting summary judgment, the appellate court will review all ambiguities, conclusions, and inferences arising in and from the evidence in a light most favorable to the non-moving party below."). Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied. *Hall v. Fedor*, 349 S.C. 169, 561 S.E.2d 654 (Ct. App. 2002). Moreover, summary judgment is a drastic remedy which should be cautiously invoked so no person will be improperly deprived of a trial of the disputed factual issues. *Lanham v. Blue Cross & Blue Shield*, 349 S.C. 356, 563 S.E.2d 331 (2002); *Trivelas v. South Carolina Dep't of Transp.*, 348 S.C. 125, 558 S.E.2d 271 (Ct. App. 2001). *Redwend L.P. v. Edwards*, 354 S.C. 459, 468 (Ct. App. 2003).

The heart of Appellant's case rests on her allegation that Respondents individually, and by and through their agents, employees, servants, and/or independent contractors, surreptitiously videotaped her while undressing within the changing rooms at the club and disseminated the illegal and unauthorized video(s) on the worldwide web for profit. (See Complaint ¶¶ 8 – 20, 24, 26 – 31, and 33 – 40). At filing, Appellant believed the unauthorized recordings occurred in the cocktail waitress changing rooms, but she learned through the partially completed discovery process that the Respondents had a 24-hour live streaming service broadcasting from entertainer's dressing room and other places Appellant had believed were private. (MacNamee Depo. p. 13 lines 13-18, lines 21-24 and p. 14 lines 16-19).

Appellant testified she would enter the club in her personal clothing and then change into the mandatory cocktail waitress outfit. (Doe Depo. p. 15, lines 8 – 24). Respondents provided

two dressing rooms at the club, one allegedly for the cocktail waitresses and one for the entertainers. (*Id.*) According to the testimony developed during discovery, Appellant and other cocktail waitresses routinely used the entertainers' dressing room as well as their own because they needed to have other employees help put on the uniforms and they had to purchase items from the house mom outside of their dressing room. (Doe Depo. p. 25, line 3 – p. 26, line 2). In addition, Appellant would enter the entertainers' dressing room to put on makeup, use the bathrooms and to wait in line to be inspected by the house mother before beginning her shift. (*Id.*) The only bathrooms for the employees to use were located on the second floor in the entertainers' dressing room. Further, the house mother's office was located at the end of the entertainer's dressing room and all of the entertainers and cocktail waitresses were required to be inspected by the house mom before they could begin their shifts. (Doe Depo. p. 35, line 19 – p. 37, line 7).

At all times while Appellant worked as a cocktail waitress, she believed all the dressing rooms were private areas and that she was not being video-taped, recorded or part of a live feed over the internet. (Doe Depo. p. 16, line 23 – p. 18, line 4; p. 24, lines 3 – 20). She never saw any cameras in the various dressing room areas and had no idea the employees were being recorded in those private areas. (Doe Depo. p. 18, line 5 – p. 19, line 9). Appellant was unaware Respondents had set up a 24-hour live feed video of the entertainers' dressing room for which customers could pay a monthly fee to access and watch. (McNamee Depo. p. 13 lines 13-18, lines 21-24 and p. 14 lines 16-19). When Appellant learned of the video broadcast for profit scheme, she was humiliated, upset and angry. (Doe. Depo. p. 37, line 13 – p. 38, line 8).

At the summary judgment hearing, without prior notice to Appellant of what he would be arguing, counsel for Respondents' focused on the language of the Complaint which seemed to

limit the allegations of recording to only one of the changing rooms and on the deposition testimony that indicated no recording devices were in the cocktail waitresses' dressing room. (Trans. April 3, 2019, p. 5, line 7 – p. 6 line 20). Counsel for Appellant explained that the testimony of his client had detailed a situation where she was dressing and undressing not only in the one locker room but in the entertainer's locker room and bathroom which were attached to that room – locations that admittedly had live streaming video recordings being made available online for a fee. (Trans. April 3, 2019, p. 8, line 3 – p. 9, line 18). Appellant's counsel further offered Appellant's deposition transcript which confirmed all of the above facts.

Respondents also relied on the fact that Appellant has not yet been able to confirm her beliefs that they broadcast her image in various stages of undress because they themselves refused to provide in discovery the names of people who may have seen her live streamed or the video recordings themselves. The trial court then relied on Appellant's inability to provide corroboration for her allegations because of Respondents' refusal to produce discoverable evidence as his sole basis for granting summary judgment ignoring entirely the testimony of Appellant who very clearly articulated the factual basis for her Complaint. The issue of whether it is more likely than not that Appellant's naked images were sent out over the World Wide Web is an issue for a jury to decide and not a matter for summary judgment.

Additionally, the trial court improperly granted summary judgment at hearing where Appellant had little to no notice of the bases for the motion and before discovery was completed. Respondents filed their Motion for Summary Judgment on February 26, 2019 even before they fully responded to Appellant's discovery requests. Respondents did not support their Motion with a Memorandum and provided no specific grounds for their Motion, made no reference to any evidence or testimony supporting their Motion, attached no affidavits, and did not file an

accompanying Memorandum. Rule 7(b)(1), SCRCP, requires that motions "shall state with particularity the grounds thereof." As noted in *Camp v. Camp*, 386 S.C. 571, 575, 689 S.E. 2d. 634, 636 (2010):

> By requiring notice to the court and the opposing party of the basis for the motion, Rule 7(b)(1) advances the policies of reducing prejudice to either party and assuring that the Court can comprehend the basis for the motion and deal with it fairly. Accordingly, when a motion is challenged for a lack of particularity, the court should ask whether any party is prejudiced by a lack of particularity or whether the court can comprehend the basis for the motion and deal with it fairly." Id. For example, an otherwise defective motion under Rule 7(b)(1) has been upheld where a detailed memorandum in support of the motion, setting out its grounds, was served at the same time the written motion was served. *Chastain vs. Hiltabidle*, 381 S.C. 508, 517-18, 673 S.E. 2d 826, 831 (Ct. App. 2009).

Further, Respondents' summary judgment submission failed to comply with Justice Toal's Administrative Order, dated September 10, 2015, "Civil Motions Pilot Program" which required: "A written motion shall be filed and served with a supporting memorandum of law. A supporting memorandum of law is not required if a full explanation of the motion is contained within the motion and a memorandum would serve no useful purpose. Affidavits and other materials supportive of the motion shall be filed and served with the motion..." Respondents filed no such supporting documents and instead appeared at the hearing with a memorandum of law and deposition transcripts as their basis for decision. Appellant was prejudiced by Respondents' failure to submit a memorandum laying out their grounds for Summary Judgment prior to the call of the motion hearing, and, Appellant was prejudiced by the Respondents not providing a basis for their Summary Judgment motion prior to the call of the hearing because she had no time to time to produce evidence to rebut Respondents' allegations.

Further, at the time of the summary judgment hearing, discovery had not yet been completed and Appellant had no time to track down the evidence she had been demanding from

Respondents from the beginning of her case. Respondents did not disclose they did not have information regarding the customer list to the live feed into the locker room until March 13, 2019, just a few weeks before the summary judgment hearing. This did not allow Appellant sufficient time to subpoena or depose the third party who allegedly controlled the requested records.

South Carolina law is abundantly clear that summary judgment is not appropriate where the non-moving party has not a full and fair opportunity to complete discovery. *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69, 74 (1999). Summary judgment is a drastic remedy, which should be cautiously invoked so that no person will be improperly deprived of a trial of the disputed factual issues. "This means, among other things, that summary judgment must not be granted until the opposing party has had a full and fair opportunity to complete discovery." *Lanham v. Blue Cross & Blue Shield of S.C., Inc.*, 349 S.C. 356, 363, 563 S.E.2d 331, 334 (2002) *citing Baughman v. American Tel. and Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991)

Moreover, summary judgment is not appropriate where the parties disagree as to the conclusion to be drawn from facts pertinent to the case. *See, e.g., Moriarty v. Garden Sanctuary Church of God*, 341 S.C. 320, 534 S.E.2d 672 (2000), and summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. *BPS, Inc. v. Worthy*, 362 S.C. 319, 608 S.E.2d 155 (2005). Further, summary judgment should not be granted, if there is disagreement concerning the conclusion to be drawn from those facts. *Id.* Given the incomplete state of discovery, Respondents' intentional withholding of vital evidence and the testimony of Appellant, there are clearly material questions of fact left to be decided and the trial court should not have granted Respondents' motion for summary judgment.

CONCLUSION

On the strength of the facts and law recited above, this Court should reverse the trial court's order vacating the default judgment; or, in the alternative reverse the trial court's order granting Respondents' motion for summary judgment.

Respectfully submitted:

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Crazy Horse Saloon & Restaurant, Inc., d/b/a Thee New Dollhouse and Dog Leg Right, LLC, ... Respondents.

PROOF OF SERVICE

I certify that I have served Appellant's Initial Brief and Designation of Matter on Respondents by depositing copies of them in the United States Mail, postage prepaid, on November 12, 2019, addressed to their attorney of record, William H. Monckton, VI, 1300 Professional Dr., Suite 102, Myrtle Beach, SC 29577.

S/William J. Luse
William J. Luse, Esquire
SC Bar No: 72790
917 Broadway Street
Myrtle Beach, SC 29577
Phone: (843) 839-4795
Attorney for Appellant

Myrtle Beach, South Carolina
November 12, 2019

LETTER TO THE APPELLATE COURT CLERK FILING THE APPELLANT'S INITIAL BRIEF

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SC Court of Appeals

November 12, 2019

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Jane Doe, Appellant v. Crazy Horse Saloon & Restaurant, Inc., d/b/a Thee New Dollhouse and Dog Leg Right LLC, Respondents,
Case No. 2017-CP-26-08184

Dear Ms. Kitchings:

Enclosed for filing are two copies of the Appellant's Initial Brief in the above case as well as a self addressed and stamped envelope. Please return one clocked copy of the enclosed documents back to our firm in the envelope provided. Also enclosed are the following:

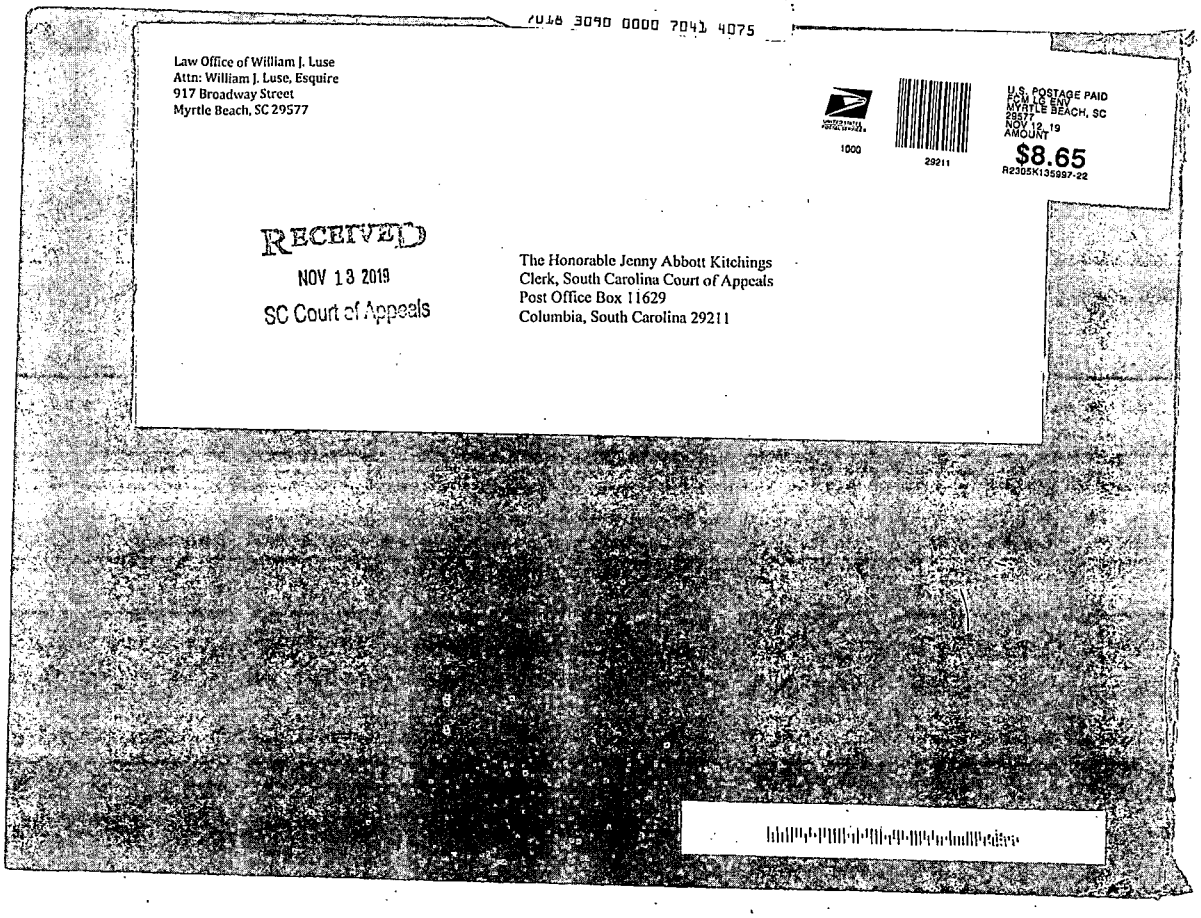
(1) Proof of Service of the Appellant's Initial Brief on the respondents;

(2) Appellant's designation of matter to be included in the record on appeal.

Sincerely,

s/ William J. Luse
William J. Luse, Esquire
SC Bar No: 72790
917 Broadway Street
Myrtle Beach, SC 29577
(843) 839-4795
Attorney for Appellant

cc: William Monckton, VI
1300 Professional Drive, Ste. 201
Myrtle Beach, SC 29577
(843) 946-6556
Attorney for Respondent



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Law Office of William J. Luse
Attn: William J. Luse, Esquire
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Myrtle Beach, SC 29577

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