

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

---

Case No. 2018-CP-32-1854  
Appellate Case No. 2019-001181

---

**RECEIVED**  
DEC 20 2019  
SC Court of Appeals

Twin Bridge Logistics, LLC n/k/a Twin Bridge Transport, LLC, .....Appellant,

v.

Fisher Tank Company, f/k/a Fisher Tank Company, Inc., .....Respondent.

---

**REPLY BRIEF OF APPELLANT**

---

William H. Edwards  
Moore Taylor Law Firm, P.A.  
1700 Sunset Boulevard  
P.O. Box 5709  
West Columbia, South Carolina 29171  
Telephone: (803) 796-9160  
Facismile: (803) 791-8410  
will@mttlaw.com  
Attorney for Appellant.

## TABLE OF CONTENTS

|  |    |
|--|----|
| Table of Authorities .....   | ii |
| Argument .....   | 1  |
| I.    Appellant has asserted a claim for conversion and is entitled to interest as a measure of damages for this claim, as the measure of damages for conversion is the value of the property converted plus interest..... | 1  |
| Conclusion .....   | 2  |

**TABLE OF AUTHORITIES**

Cases:

*Gregg v. Bank of Columbia*, 72 S.C. 458, 52 S.E. 195 (1905) .....1  
*Industrial Welding Supplies, Inc. v. Atlas Vending Co., Inc.*, 276 S.C. 196, 199, 277 S.E.2d  
885, 886 (1981).....1

Court Documents:

Plaintiff’s Complaint.....1  
Transcript of Record for Partial Summary Judgment Hearing .....1

## ARGUMENT

### **I. APPELLANT HAS ASSERTED A CLAIM FOR CONVERSION AND IS ENTITLED TO INTEREST AS A MEASURE OF DAMAGES FOR THIS CLAIM, AS THE MEASURE OF DAMAGES FOR CONVERSION IS THE VALUE OF THE PROPERTY CONVERTED PLUS INTEREST.**

Plaintiff's complaint asserts a claim for conversion and for interest as a measure of damages for the conversion claim. Plaintiff's fourth cause of action within its complaint is a conversion claim. (Compl. ¶ 25-31). Specifically, Plaintiff asserted "Defendant's repeated withholding of payments from Plaintiff constitutes conversion and deprived the Plaintiff of the use of the monies it was legally entitled to possess." (Compl. ¶ 29). Additionally, Plaintiff asserted "As a direct and proximate result of Defendant's repeated conversion of payments owed to Plaintiff, Plaintiff is entitled to interest on payments withheld by Defendant." (Compl. ¶ 31). It is clear that Plaintiff has asserted both a claim for conversion and for interest as a measure of damages for the conversion claim.

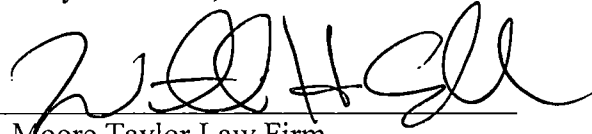
Respondent is incorrect that the issue of conversion was not presented at the hearing on Respondent's motion for summary judgment. At the hearing, Appellant argued the issue of conversion and interest as a measure of damages for the conversion claim. (Mot. Trans. 14, 4-12). Furthermore, Appellant submits that the lower court did rule on this issue at the hearing on Respondent's motion for summary judgment as the lower court granted summary judgment on Appellant's claims for interest. The lower court erred in granting Respondent summary judgment on the claims for interest as Appellant is entitled to interest as a part of damages for the conversion claim. In a conversion of personal property claim, the proper measure of damages is "the value of the property with interest thereon." *Industrial Welding Supplies, Inc. v. Atlas Vending Co., Inc.*, 276 S.C. 196, 199, 277 S.E.2d 885, 886 (1981); *Gregg v. Bank of Columbia*, 72 S.C. 458, 52 S.E. 195 (1905).

## CONCLUSION

In conclusion, Appellant has asserted a claim for conversion and is entitled to interest as a measure of damages for this claim.

Respectfully submitted,

By: \_\_\_\_\_



Moore Taylor Law Firm  
William H. Edwards  
1700 Sunset Boulevard  
P.O. Box 5709  
West Columbia, SC 29171  
803-796-9160  
will@mttlaw.com  
Attorney for Appellant.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM LEXINGTON COUNTY  
In the Court of Common Pleas

R. Keith Kelly., Circuit Court Judge

---

Civil Action No.: 2018-CP-32-1854  
Appellate Case No. 2019-001181

---

**RECEIVED**  
DEC 20 2019  
SC Court of Appeals

Twin Bridge Logistics, LLC n/k/a Twin Bridge Transport, LLC.....Appellant,

v.

Fisher Tank Company, f/k/a Fisher Tank Company, Inc.,.....Respondent.

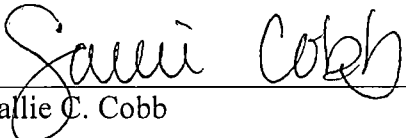
---

**PROOF OF SERVICE**

---

I certify that I have served Appellant's Reply Brief by US Mail, postage prepaid, upon counsel for the Respondent at the address listed below:

W. Joseph Moore, Jr.  
1416 Laurel Street  
PO Box 456  
Columbia, SC 29202

  
\_\_\_\_\_  
Sallie C. Cobb

December 20, 2019