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**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM COURT OF COMMON PLEAS
Aiken County, South Carolina**

**HONORABLE MAITE M. MURPHY, CIRCUIT COURT JUDGE
Civil Action No. 2017-CP-02-00283
Appellate Case No. 2019-001142**

**SOHAIL ABDULLA,
APPELLANT**

v.

**SOUTHERN BANK,
RESPONDENT**

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MAR 10 2020
SC Court of Appeals

**RESPONDENT'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL
BRIEF**

Mark L. Wilhelmi
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Attorney for Respondent

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MOTION AND MEMORANDUM IN SUPPORT

Pursuant to Rule 240, SCACR, Respondent Southern Bank moves this Court for leave to file a Supplement Brief in response to Appellant's Reply Brief. Respondent's memorandum in support of said motion follows.

This appeal arises from a Motion to Dismiss granted by the Court of Common Pleas, Second Judicial Circuit, on May 22, 2018. The trial court denied Plaintiff's Motion to Reconsider on June 13, 2019. Thereafter, Appellant filed his initial brief with this Court on December 5, 2019. Respondent filed its Response Brief on January 3, 2020. Appellant filed a Reply Brief. Given several statements and admissions by Appellant in his Reply Brief, Respondent deems it necessary to file a short Supplemental Brief.

In his initial Appellant Brief, Appellant concedes his entire theory of the case rests on "a single, uncomplicated theory based on the long-arm statute: Respondent converted the property of Appellant while [Appellant] was a citizen of South Carolina." Appellant Brief, p. 8. Appellant further concedes in his Reply Brief that "the only issue before this Court and the lower court was whether Respondent took actions that created a constructive waiver through unnecessary and unreasonable delay." Reply Brief, p.6. Given this apparent narrowing of the issues on appeal and the various irrelevant distractors also presented by Appellant in his Reply Brief, Respondent feels it necessary to file a Supplemental Brief responding directly and only to Appellant's erroneous legal theories of long-arm jurisdiction and waiver, as Appellant has conceded these are the only matters in question. Respondent expects its proposed Supplemental Brief will effectively narrow the issues for this Court to consider on appeal, highlighting the paucity of legal support for Appellant's positions and deemphasizing irrelevant facts that Appellant continually restates to distract from his weak legal arguments in favor of personal jurisdiction or, failing that, Respondent's waiver of its ability to contest personal jurisdiction.

Respondent therefore asks for leave to file a short Supplemental Brief, which shall be no longer than ten (10) pages. Pursuant to this motion, Respondent also asks that all pending deadlines for this appeal be stayed until the disposition of this motion by the Court of Appeals, since Rule 240, SCACR explicitly does not operate to automatically stay such deadlines.

This 5th day of March, 2020.



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CERTIFICATE OF SERVICE

This is to certify that a copy of **RESPONDENT'S MOTION FOR LEAVE TO FILE ITS SUPPLEMENTAL BRIEF** has been served upon the following via US Mail:

Tucker S. Player
Player Law Firm, LLC
P.O. Box 21005
Columbia, SC 29221

This 5th day of March, 2020.



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March 6, 2020

South Carolina Court of Appeals
Jennie Abbott Kitchings, Clerk of Court
P.O. Box 11629
Columbia, SC 29211

Via US Mail
Fax 803-734-1839

RE: Sohail Abdulla v. Southern Bank
Appeal from Aiken County Court of Common Pleas
Trial Case No. 2017-CP-02-00283
Appellate Case No. 2019-001142

Dear Ms. Kitchings:

Enclosed please find Respondent's Motion for Leave to File Supplemental Brief and Respondent's Supplemental Brief which we ask to be filed of record with the Court. We have enclosed the required filing fee in the amount of \$50.00.

Thank you for your kind consideration of this request.

Very truly yours,


Mark L. Wilhelmi

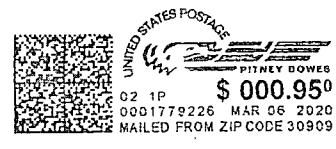
MLW/dmw
ENC: Respondent's Initial Brief
CC: Tucker Player, Esq.

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SC Court of Appeals

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SC Court of Appeals

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