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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Jean Hoefler Toal, Chief Justice of the Supreme Court of South Carolina (Retired)
Acting as Circuit Court Judge

Appellate Case No. 2018-001965
Case No. 2017-CP-42-04429

RECEIVED

MAR 18 2020

SC Court of Appeals

Jerry Howard Crawford, Individually and as Personal Representative of the Estate of
Evelyn Kay Crawford, Respondent,

v.

Celanese Corporation; Aurora Pump Company; Carrier Corporation; CNA Holdings LLC, f/k/a Celanese Corporation f/k/a Hoechst Celanese Corporation; Covil Corporation; Crane Co.; Daniel International Corporation f/k/a Daniel Construction Company, Inc.; Flowserve Corporation, individually and as successor-in-interest to Anchor/Darling Valve Company and individually and as successor-in-interest to Durco Pumps; Flowserve US Inc.; Fluor Constructors International, f/k/a Fluor Corporation; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; Ford Motor Company; Genuine Parts Company, d/b/a Rayloc (a/k/a NAPA); The Goodyear Tire & Rubber Company; Goulds Pumps, Inc.; Grinnell, LLC, f/k/a Grinnell Corp, f/k/a ITT Grinnell Corp.; Honeywell International, Inc., f/k/a Allied-Products Liability Signal, Inc., sued as successor-in-interest to Bendix Corporation; Ingersoll Rand Company; John Crane, Inc.; Metropolitan Life Insurance Company, a wholly-owned subsidiary of Metlife Inc.; National Automotive Parts Association (NAPA); Parker-Hannifin Corporation; Pneumo Abex, LLC, successor in interest to Abex Corporation; Spirax Sarco, Inc.; SPX Cooling Technologies, Inc., individually and successor in interest to Marley Cooling Towers Co.; Standard Motor Products, Inc., sued as successor-in-interest to EIS Automotive; United States Fidelity & Guaranty Company; The William Powell Company, Defendants,

Of Which Covil Corporation is the Appellant.

MOTION FOR LEAVE TO FILE SUPPLEMENTAL FINAL BRIEF OF RESPONDENT

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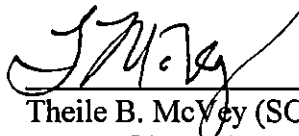
MOTION FOR LEAVE TO FILE SUPPLEMENTAL FINAL BRIEF OF RESPONDENT

COMES Now, Respondent Jerry Howard Crawford, individually and as Personal Representative of the Estate of Evelyn Kay Crawford, by and through counsel of record, hereby requests permission from this Court to file a supplement to his final opening brief. The issue placed before this Court by Appellant Covil Corporation for review is whether the Spartanburg County Court of Common Pleas abused its discretion in granting Respondent a new trial pursuant to the Thirteenth Juror Doctrine. The parties have briefed the issue and await a decision from this Court.

Although Respondent has submitted his final brief, Respondent requests permission to file a supplemental brief addressing the appealability of the trial court's order granting a new trial pursuant to the Thirteenth Juror Doctrine. This issue was erroneously omitted from Respondent's initial appellate brief in this matter and not discovered until preparing for the briefing period set for responding to Appellants second, interrelated appeal. Permitting Respondent to address this issue in supplemental briefing does not require further augmentation of the appellate record but it is an issue that should fairly be considered along with the merits of this appeal.

WHEREFORE, Respondent prays that this Honorable Court grant him leave to file the attached Supplemental Brief and to grant such other relief as this Court deems just and proper.

Respectfully submitted,



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Of Which Covil Corporation is the Appellant.

PROOF OF SERVICE

I certify that I have served **Respondent's Motion for Leave to File Supplemental Final Brief of Respondent** on Appellant Covil Corporation by depositing a copy of it in the United States Mail, postage prepaid, on 08/18/2020, addressed to its attorneys of record, Ashley K. Brathwaite of Ellis & Winters; 4131 Parklake Avenue, Suite 400; Raleigh, NC27612.

Date: 08/18/2020

Respectfully submitted,



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July 16, 2019

VIA HAND DELIVERY

V. Claire Allen, Deputy Clerk
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201


Re: *Jerry Howard Crawford v. Celanese Corporation*
Appeal No.: 2018-001965

Dear Ms. Allen:

Enclosed herewith please find the original and eighth (8) copies of Respondents' Motion for Leave to File Supplement Final Brief and its attachment, Respondents' Supplemental Final Brief in connection with the above-entitled Appeal. Please file the enclosed and return two clocked copies to me via the envelope provided.

Thank you for your kind assistance in this matter. By copy of this letter, I am providing Appellant's counsel with a copy of the enclosed.

Yours truly,


Elizabeth C. Moultrie
Senior Paralegal to John D. Kassel,
Theile B. McVey and Jamie Rae Rutkoski

ECM:bmh

Enclosures

cc: Ashley K. Brathwaite, Esquire (w/enclosures)
Graham Pollock Powell, Esquire (w/enclosures)

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