THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2020-000201

CRAIG CHAPPELL, on behalf of himself and others similarly situated,
Appellant,

v.

Ladles Soups – James Island LLC; Ladlessoups, LLC; Ladles Soups At Cane Bay LLC; Ladles Soups At Citadel Mall LLP; Ladles Soups Calhoun LLC; Ladles Soups Cane Bay LLC; Ladles Soups Coosaw LLC; Ladles Soups Downtown Charleston, LLC; Ladlessoups Fresh Fields, LLC; Ladles Soups @ Freshfields Village, LLC; Ladlesoups Mainstreet, LLC; Ladles Soups Moncks Corner LLC; Ladlessoups Mount Pleasant, LLC; Ladles Franchise Development, LLC; Ladles Franchising Inc.; Ladles Fort Mill, LLC; Ladles Knightsville LLC; Ladles West Ashley; Teri Owens; Sue Allen, Tracy Allen, Steve Traeger, Erik Dyke, Julie Dyke, Stan Sutton, Carol Sutton, Jason Dalter, Kellie Henderson; Jane Doe 1-25 (Unknown Operating Company and Management Company Owners); John Doe 25-40 (Management Personnel),

Of which Ladlessoups Mount Pleasant, LLC, Erik Dyke and Julie Dyke are the
Respondents.

INITIAL BRIEF OF APPELLANT

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STATEMENT OF THE CASE

On February 14, 2018, Appellant Craig Chappell brought this action asserting class-action claims against Respondents Ladlessoups Mount Pleasant, Erik Dyke, and Julie Dyke ("Respondents" or "Ladles Mt. Pleasant") as well as 21 other Ladles Soups franchise and franchisor defendants for failure to pay wages under the South Carolina Payment of Wages Act, S.C. Code Ann. § 41-10-10 et seq., breach of contract, and conversion. (Complaint). Appellant encountered substantial challenges getting all of the defendants served. After Appellant was unable to effect service on all parties, on June 13, 2018, he filed a Motion for Extension of Time to Serve Summons and Complaint and Petition for Order of Publication which was granted by this Court on July 20, 2018. On or about June 20, 2018, Ladles Mt. Pleasant filed Answers to the Complaint. (Respondents' Answer). Next, an additional sixteen Ladles Soups franchise defendants filed Answers on or about July 18, 2018. Finally, the four Ladles Soups franchisor defendants filed Answers on or about August 1, 2018.

Subsequent to Answers being filed by the Ladles Soups defendants, sixteen Ladles Soups defendants represented by the same counsel, which did not include Respondents, filed three

motions. On July 24 and 28, 2018, a Motion to Disallow Class Certification, Motion to Dismiss Improper Parties, and Motion to Dismiss based on Rule 12(b)(6) were filed by 16 of the Ladles Soups defendants. (Defendants' Mot to Disallow Class Cert). A hearing on these motions was held and all three motions were denied by Orders dated January 29, 2019. (January 29, 2019 Order denying Mot to Disallow Class Cert). On February 14, 2019, the Ladles Soups defendants filed a Motion to Reconsider the January 29, 2019 Order denying their Motion to Dismiss and was denied by Order dated March 6, 2019.

Appellant served written discovery on Respondents via e-mail on May 24, 2019. (Pl's INT and RFP). Subsequently, Respondents filed their Motion for Summary Judgment on May 28, 2019. (Ladles Mt. Pleasant's MSJ). On August 22, 2019, Appellant filed a Motion to Compel discovery responses from a majority of the Ladles Soups defendants and a Motion to Intervene or in the Alternative Amend the Complaint to Add an Additional Party on behalf of a Ladles Soup West Ashley employee. (Pl's August 22, 2019 Mot to Compel). On September 11, 2019, Appellant filed a Motion for Class Certification. (Pl's Motion for Class Cert). On October 4, 2019, Appellant amended his Motion to Compel to include Ladles Mt. Pleasant and the Ladles franchisor defendants. (Pl's Amended Mot to Compel). Finally, because no scheduling order in this matter had ever been put in place, on October 22, 2019, Appellant filed a Motion for Status Conference and Scheduling Order.

On October 29, 2019, while Appellant's Motion to Compel, Motion to Amend, Motion for Class Certification, and Motion for Status Conference and Scheduling Order were pending, a hearing on Ladles Mt. Pleasant's Motion for Summary Judgment was held before the Honorable Bentley D. Price. The judgment of the trial court granting Ladles Mt. Pleasant's motion was announced at this hearing and the trial court indicated that counsel for Ladles Mt. Pleasant should

prepare an order. (Hrg. Trns. at p. 13, l. 25; p. 14, ll. 1-11). After almost two months no such order was prepared and on December 23, 2019, Appellant filed a Motion to Reconsider. (Pl's Mot to Reconsider). No hearing was held or order was issued on Appellant's Motion to Reconsider. On January 6, 2020, a hearing on several of Appellant's motions took place, including his Motion to Compel against all Ladles defendants. On January 7, 2020, the trial court issued an Order granting Appellant's Motion to Compel and denying Appellant's Motions to Intervene; denying the Motions for Summary Judgment of several Ladles franchisees (other than Respondents); denying Appellant's Motion for Class Certification (without prejudice); denying Appellant's Motion to Amend; and denying Appellant's Motion for Requests to Admit to be deemed Admitted. (January 7, 2020 Order regarding several motions). Also on January 7, 2020, the trial court issued a separate Order granting Respondents' Motion for Summary Judgment. (January 7, 2020 Order granting Respondents Motion for Summary Judgment). On February 6, 2020, Appellant served the Notice of Appeal on Respondents.

STANDARD OF REVIEW

When reviewing the grant of a summary judgment motion, the appellate court applies the same standard which governs the trial court under Rule 56(c), SCRCP: summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Laurens Emergency Med. Specialists v. M.S. Bailey & Sons Bankers*, 355 S.C. 104, 584 S.E.2d 375 (2003); *Fleming v. Rose*, 350 S.C. 488, 567 S.E.2d 857 (2002); *Regions Bank v. Schmauch*, 354 S.C. 648, 582 S.E.2d 432 (Ct. App. 2003); *Redwend Ltd. P'ship v. Edwards*, 354 S.C. 459, 581 S.E.2d 496 (Ct. App. 2003). In determining whether any triable issue of fact exists, the evidence and all inferences which can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party. *Sauner v. Public Serv. Auth.,* 354

S.C. 397, 581 S.E.2d 161 (2003); *Hendricks v. Clemson Univ.,* 353 S.C. 449, 578 S.E.2d 711 (2003); *McNair v. Rainsford*, 330 S.C. 332, 499 S.E.2d 488 (Ct. App. 1998); *see also Laurens Emergency Med. Specialists*, 355 S.C. at 108, 584 S.E.2d at 377 (stating that in reviewing summary judgment motion, facts and circumstances must be viewed in light most favorable to non-moving party). If triable issues exist, those issues must go to the jury. *Baril v. Aiken Reg'l Med. Ctrs.,* 352 S.C. 271, 573 S.E.2d 830 (Ct. App. 2002); *Young v. South Carolina Dep't of Corrections*, 333 S.C. 714, 511 S.E.2d 413 (Ct. App. 1999).

Summary judgment is appropriate where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. *Russell v. Wachovia Bank, N.A.,* 353 S.C. 208, 578 S.E.2d 329 (2003); *Regions Bank*, 354 S.C. at 659, 582 S.E.2d at 438; Rule 56(c), SCRCP. 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.").

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. *Baughman v. American Tel. & Tel. Co.*, 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991). 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. *Id.*

STATEMENT OF FACTS

Appellant Craig Chappell was an hourly employee at Ladles James Island and was paid and hourly wage, plus tips. However, although Appellant worked for and earned credit card tips and cash tips, he was only allowed to retain some cash tips while his employer retained all credit card and debit card tips. (Terri Owens Depo. for Ladles James Island at p. 25, Lns. 10-25). Appellant contends that there was a company-wide policy among all of the Ladles defendants, including Respondents, to withhold the credit card tips from their employees and that these employees suffered the same damages as him. Appellant further contends that, beginning with the original location in West Ashley, the company practice was to distribute cash tips each day among the employees working that day, but retain tips charged by customers to credit or debit cards. (Sue Allen Depo. at p. 21, ll. 6-25; p. 22, ll. 1-2).

The Ladles Soups restaurant concept was created by Sue Allen and Tracy Allen with the first location opening in West Ashley in 2007, the second location opening on Kiawah Island (Ladles Freshfields Village) in 2008, and the third location opening in Summerville (Ladles Soups Kinghtsville) in 2009. In 2010, Sue Allen and Tracy Allen started Ladles Franchising, Inc. for the purpose of selling Ladles Soups franchises. Sue Allen's sisters, Teri Owens (current owner of Ladles James Island) and Carol Ellenburg (current owner of Ladles Downtown), worked at the Ladles West Ashley location where they learned the business before opening their own Ladles Soups restaurants on James Island and downtown Charleston, respectively. Respondent Julie Dyke also worked at Ladles West Ashley and Ladles Knightsville (Summerville) and Ladles Freshfarms (Kiawah Island) where she learned the business before she and her husband, Erik Dyke, opened the Ladles Mt. Pleasant location. (Depo. of Julie Dyke at p. 9, ll. 13-25; pp. 10-13; p. 20, ll. 4-24). Additionally, Corey Paul worked at the Ladles West Ashley location where he

learned the business before opening his own location in Fort Mill, South Carolina. Mr. Paul eventually purchased the West Ashely location from Sue Allen in 2017.

Appellant Chappell brought his lawsuit on behalf of himself and others similarly situated, alleging class-action causes of action for failure to pay wages under the South Carolina Payment of Wages Act ("SCPWA"), breach of contract, and conversion. Appellant alleged in his Complaint that the Ladles defendants, including Respondents, wrongfully and intentionally withheld credit card tips that were rightly intended for Appellant and others similarly situated in violation of the SCPWA and that this was a company-wide policy of all Ladles defendants including Respondents. (Complaint at p. 2, ¶2; pp. 8-11).

On May 6, 2016, while at work, Appellant discovered a handwritten ledger kept at the Ladles James Island location that revealed the extent of its policy to withhold credit card tips from its employees. *Id.* at p. 10, ¶ 31. Appellant subsequently learned through conversations with a co-worker that the policy of withholding employee tips was a group-wide policy at all of the Ladles Soups locations. *Id.* On May 7, 2016, Appellant Chappell confronted his manager, Teri Owens, who owns the Ladles James Island restaurant, telling her he thought it was wrong for an employer to retain its employees' credit card tips. *Id.* at ¶ 32. Appellant Chappell was immediately terminated when he complained about the policy of withholding credit card tips and filed the underlying lawsuit on February 14, 2018. *Id.* at p. 11, ¶ 33.

Franchisor Sue Allen testified at her deposition that while she owned the Ladles Soup locations at West Ashley, Freshfields Village (Kiawah Island), and Knightsville (Summerville), she only paid employees their hourly wages and that she retained the credit card tips to subsidize the employees' hourly wage. (Sue Allen Depo. at p. 21, ll. 6-25; p. 22, ll. 1-2). At their depositions, representatives of Ladles James Island, Ladles West Ashley, and Ladles Fort Mill all confirmed

that they have a policy of withholding credit card tips from their employees. (Terri Owens Depo. for Ladles James Island at p. 25, Lns. 10-25; p. 27, Lns. 1 -18 and Corey Paul Depo. for Ladles West Ashley and Ladles Fort Mill[1] at p 32, Lns. 1-16; p. 37, Lns. 3-5). Respondent Julie Dyke testified at her deposition that each month all of the credit tips for Ladles Mt. Pleasant are "distributed among all the employees based on how many hours they work." (Julie Dyke Depo. at p. 24, ll. 23-25 and p. 25, ll. 1-2). However, at the October 29, 2019 hearing on Respondents' Motion for Summary Judgment, counsel for Respondent confirmed that Respondents only "turn over the tips, the credit card tips, through a bonus program to the employees." (Hr'g Tr., at p. 11, ll. 19-24). Respondent Julie Dyke also testified at her deposition that she attended annual or biannual meetings with the Ladles franchisors and other Ladles franchisees where a tipping policy and wages were discussed. (Julie Dyke Depo. at p. 27, ll. 11-25 and p. 28, ll. 1-7).

ARGUMENT

I. THE TRIAL COURT ERRED WHEN IT GRANTED SUMMARY JUDGMENT BECAUSE IT WAS PREMATURE DUE TO APPELLANT NOT HAVING A FULL AND FAIR OPPORTUNITY TO COMPLETE DISCOVERY.

Summary Judgment was not appropriate in this case because Appellant's Motion to Compel discovery from all Ladles defendants, including Respondents, was still pending (and eventually granted) at the time of the hearing and their full responses to Appellant's requests would likely have uncovered additional relevant information. Summary judgment "must not be granted until the opposing party has had a full and fair opportunity to complete discovery. Nonetheless, the nonmoving party must demonstrate the likelihood that further discovery will uncover additional relevant evidence and that the party is `not merely engaged in a "fishing expedition.""

[1] Corey Paul owns Ladles West Ashley as well as Ladles Fort Mill.

Dawkins v. Fields, 354 S.C. 58, 69, 580 S.E.2d 433, 439 (2003) (quoting *Baughman v. Am. Tel. & Tel. Co.,* 306 S.C. 101, 112, 410 S.E.2d 537, 544 (1991) (internal citation omitted).

In *Baughman*, the South Carolina Supreme Court ruled summary judgment was premature in that case because (1) plaintiffs demonstrated a likelihood that further discovery would uncover additional relevant evidence, and (2) plaintiffs were not dilatory in seeking discovery. Although three years had elapsed between filing the action and summary judgment, the delay could not fairly be attributed solely to plaintiffs' inaction, and the delay was tempered by the complexity of the case. *Id*. at 112-114, 410 S.E.2d at 544.

Here, after a lengthy process in getting all 21 parties served and after the motions to dismiss brought by 16 Ladles Soups defendants were denied, Appellant served Interrogatories and Requests for Production on all of the Ladles Soups defendants on May 24, 2019. Respondents objected to Appellant's Interrogatory No. 26 which requested the names of current and past employees. (Ladles Mt. Pleasant's Resp to INT at No. 26). Respondents also objected to Plaintiff's request for documents relating to accounting, payroll, banking, or other records relating to salary payments, tips, wages, employment tax records on the basis that the information being requested was "irrelevant nor calculated to lead to admissible evidence." (Ladles Mt. Pleasant's Resp to RFP at No. 23). Additionally, in its Responses to Plaintiff's Request for Production Nos. 12 and 22 that seek information regarding federal and state tax returns, income statements, balance sheets, and profit/loss statements, Respondent produced federal and state tax returns which presumably were intended to show that it does not withhold credit card tips from its employees. However, those documents merely contained what appeared to be Respondents' own handwritten notes indicating various sums of money without any explanation of how it was calculated, who it was intended to be paid to, or whether or not it was actually paid to anyone at all. (Ladles Mt.

Pleasant's Resp to RFP at Nos. 12 and 22). None of these materials were remotely dispositive as to the issue of whether or not Respondents were paying their employees their credit card tips. Accordingly, Appellant filed his motion seeking assistance from the court in compelling Respondents to provide full responses to these Interrogatories and Requests for Production. (Pl's Mot to Compel; Pl's Amended Mot to Compel)

Appellant's discovery requests were not part of a "fishing expedition" and were in part designed to uncover information directly relevant to the class-action allegations in Appellant's Complaint as well as whether Respondents engaged in actions that violated the rights of their employees under the SCPWA. First, Appellant's Interrogatory No. 26 which requested identification of current and past employees is directly relevant to the issues raised in the class-action allegations of the Complaint as well as Appellant's Motion to Certify Class. (Ladles Mt. Pleasant's Ans to INT at p. 10). Specifically, this information is indispensable to the class action issues of numerosity, commonality, typicality, adequacy, and amount in controversy. (Compl at pp. 11-14; Pl's Mot for Class Cert). Likewise, Appellant's Request for Production Nos. 12, 22 and 23 requesting basic information regarding income and profit and loss statements and payroll records documenting payment of wages and tips by Respondents to their employees would uncover additional relevant information relating to Appellant's allegation that there was a common policy among all of the Ladles franchisees to withhold credit card tips from their employees. (Ladles Mt. Pleasant's Resp to RFP at pp. 4 and 6).

Respondents argued and the trial court found that there is no evidence of a common policy to withhold credit card tips from employees among the Ladles defendants. (Order at p. 3). However, representatives of Ladles James Island, Ladles West Ashley, and Ladles Fort Mill all testified that they did not distribute credit card tips to their employees. (Terri Owens Depo. for

Ladles James Island at p. 25, ll. 10-25; p. 27, ll. 1 -18 and Corey Paul Depo. for Ladles West Ashley and Ladles Fort Mill at p 32, ll. 1-16; p. 37, ll. 3-5). Additionally, Ladles founder and Franchisor Defendant Sue Allen testified that when she owned the Ladles Soup locations at West Ashley, Kiawah Island (Ladles Freshfields), and Summerville (Ladles Knightsville), she did not distribute credit card tips to her employees either. (Sue Allen Depo. at p. 21, ll. 6-25 and p. 22 at ll. 1-2). Further, despite Appellant's repeated requests for deposition dates for the other Ladles franchisees and eventually noticing the depositions of all of the remaining Ladles franchisees, these parties were not made available to be deposed. Also, these same franchisee defendants failed to respond at all to any of Appellant's written discovery requests. (Hr'g Tr at p. 9, ll. 11-17; Pl's Mot Compel). Respondents argument at the hearing that "[t]here is no evidence in the record whatsoever that Ladles Soups Mount Pleasant improperly paid or handled its tips" and "they can't cite to anything that would support that" is without merit. (Hr'g Tr at p. 6, ll. 5-8).

Because Respondents did not produce requested evidence confirming that it paid their employees credit card tips and the remaining Ladles franchisees did not respond to discovery at all or make their representatives available to be deposed, it was premature to conclude that a common policy of withholding credit card tips did not exist among the Ladles defendants.

Appellant sought to address these matters, along with Respondents' discovery deficiencies and objections, in his Motion to Compel against all defendants. Accordingly, counsel for Appellant stressed the incomplete state of discovery at the hearing on Respondents' Motion for Summary Judgment:

> Mr. Ashley: . . . . And I think that you know to – and the other situation we have is that the bulk of the Defendants have not responded to our discovery requests at all. They are about five months past due. And I think it's a little disingenuous for one of the parties to claim that we can't prove that there is a common policy when a majority of the Defendants refuse to even engage in discovery.

(Hr'g Tr, at p. 9, ll. 11-17).

Appellant did not have a "full and fair opportunity to complete discovery." *Baughman v. Am. Tel. & Tel. Co.,* 306 S.C. 101, 112, 410 S.E.2d 537, 544 (1991) (short cite). Appellant served written discovery on Respondents via e-mail on May 24, 2019. (Pl's INT and RFP). Subsequently, Respondents filed their Motion for Summary Judgment on May 28, 2019. (Ladles Mt. Pleasant's MSJ). Respondents mailed their discovery responses to Appellant on June 25, 2019 with objections to several of Appellant's requests including requests for payroll records relating to payment of tips and wages and the names of employees who Appellant alleges should have received credit tips under the SCPWA. (Ladles Mt. Pleasant's Resp. to INT and RFP). Despite no scheduling order or discovery deadline ever being in place for this matter, Respondents argued that Appellant "has had ample opportunity for discovery." (Pl's Memo in Opp. to MSJ at p. 4; Ladles Mt. Pleasant's Memo in Support of MSJ at p. 2). Because of the large number of defendants in this matter, Appellant inadvertently left out Respondents in his August 22, 2019 Motion to Compel but properly amended his motion on October 4, 2019 to include Respondents. (Pl's Amended Mot to Compel). Appellant's Motion to Compel discovery against all parties in the action was eventually granted by the trial court on January 7, 2020, almost two hours before Respondents' Motion for Summary Judgment was granted. (January 7, 2020 Orders). At issue in this case is whether or not the Ladles defendants have a common policy of withholding tips in violation of the SCPWA. Because the trial court granted summary judgment for Respondents (1) without them having to provide payroll records relating to payment of wages and tips and (2) without the majority of Ladles franchisee defendants responding to any written discovery or being deposed despite Appellant properly and timely serving notices of deposition, it cannot be true that Appellant was

provided a "full and fair opportunity to complete discovery" especially when Appellant's Motion to Compel was pending and eventually granted.

Here, Appellant had already served his written discovery on Respondent and the notices of deposition on all of the remaining Ladles defendants. He was not requesting additional time for discovery only that the written discovery and notices of deposition that he already served be responded to.

Respondents further argue that even if they did not handle the credit card tips properly, they are still entitled to summary judgment because there is no past relationship between Appellant and Respondents. (Hr'g Tr. at p. 11, l. 25; p. 12, ll. 1-2). However, this completely ignores the class-action allegations in Appellant's Complaint and that Appellant was injured by the common policy of all of the Ladles defendants. (Compl at pp. 11-14). Counsel for Respondents even alludes to this at the hearing when he conceded that:

> Mr. Shelbourne: And now if they get a class certification I think that might change it. But at this point in time they haven't and we're entitled to summary judgment and to be out of this case.

(Hr'g Tr., at p. 12, ll. 2-6).

Furthermore, Respondents appeared to argue, and the trial court appeared to agree, that summary judgment should be granted without a "full and fair opportunity to complete discovery" based in part on the size of Respondents' business:

> Mr. Shelbourne: . . . . My client is a small essentially a Mom and Pop sandwich shop that have been dragged through over a year and a half of litigation which is killing their business simply because we happen to have the name associated with a bunch of other businesses that he may have, Mr. Chappell may have had something to do with. And it is killing my client's business, Your Honor.
>
> The Court: I agree with you. Whenever I asked when was the class filed that's what I was trying to get to. But you're obviously trying to get out before that happens.

(Hr'g Tr., at p. 12, ll. 7-17).

Counsel for Appellant is unable to find any authority, South Carolina or otherwise, supporting the grant of summary judgment to a party based on the size of its business or even the financial capacity of that business. To the contrary, it is well established that summary judgment is a "drastic remedy" and "must not be granted until the opposing party has had a full and fair opportunity to complete discovery." *Baughman v. Am. Tel. & Tel. Co.,* 306 S.C. 101, 112, 410 S.E.2d 537, 544 (1991) (short cite).

II. THE TRIAL COURT ERRED WHEN IT GRANTED SUMMARY JUDGMENT PRIOR TO HEARING APPELLANT'S MOTION FOR CLASS CERTIFICATON.

The trial court found that although the Complaint purports "to be brought on behalf of a class of employees of all Ladles Soups businesses" no class had been certified as of the date of the hearing on Respondent's Motion for Summary Judgment. (Order at p. 3). However, the language of S.C.R.C.P. Rule 23 does not require Plaintiff to move for class certification. Rule 23(d)(1) states that "[a]s soon as practicable, after the commencement of an action *brought as a class action*, the court shall determine by order whether it is to be so maintained." (emphasis added).

Here, Appellant properly captioned and pled class-action causes of action in his original Complaint. (Compl at pp. 11-14) Appellant always maintained that this was a class action lawsuit. Appellant argued all of the S.C.R.C.P. Rule 23 requirements (numerosity, commonality, typicality, adequacy, and amount in controversy) for class certification in his November 26, 2018 Memorandum in Opposition to Defendants' Motion to Disallow Class Certification and specifically requested that a class be certified in the same. (Pl's Memo in Opp to Defs' Mot. to Disallow Class Cert at pp. 2-6; p. 7). Defendants' Motion to Disallow Class Certification was denied on January 29, 2020. (Order Denying Mot to Disallow Class Cert). Defendants' Motion to

Reconsider this Order was denied on March 6, 2019. Subsequently, Appellant served discovery to further develop the class issues.

For class certification, under S.C.R.C.P. Rule 23(a), a Plaintiff must demonstrate:

> (1) the class is so numerous that joinder of all members is impracticable;
>
> (2) there are questions of law or fact common to the class;
>
> (3) the claims or defenses of the class representatives are typical of the claims or defenses of the class;
>
> (4) the class representatives will fairly and adequately protect the interests of the class; and
>
> (5) the amount in controversy exceeds one hundred dollars per class member.

After the Motion to Disallow Class Certification brought by several franchisee Defendants was denied, Appellant served written discovery relevant to the requirements for obtaining class certification. A substantial number of the Ladles defendants were either severely delayed in responding to discovery or did not respond at all. The Franchisor Defendants did not respond to Appellant's May 24, 2019 discovery requests until August 21, 2019. As of the date of the October 29, 2019 hearing on Respondent's Motion for Summary Judgment, other than Respondents, only two of the Franchisee Defendants (Ladles James Island and Ladles West Ashley) had made any response to Appellant's discovery requests at all. (Pl's Mot to Compel).

To the extent that Appellant's discovery requests were responded to, other than the Franchisor Defendants, all of the Ladles defendants, including Respondents, objected to Appellant's discovery requests that addressed issues relevant to class certification, thus being a significant subject of Appellant's Motion to Compel against the franchisee defendants including Respondents. (Ladles Mt. Pleasant's Resp to INT and RFP; Mot to Compel; Amended Mot to Compel). For example, Appellant's Interrogatory No. 26 asks:

> 26. State the name, telephone number, including mobile phone number, email address, and street address for every employee of Respondent since January 1, 2015, and list whether they still work with Respondent, and if not, why they left.

(Ladles Mt. Pleasant's Ans to INT at p. 10). Respondent objected as follows:

> Response: Defendants object to this Interrogatory on the grounds that it seeks information not relevant to the subject matter of this lawsuit nor conducive to lead to admissible evidence. This request is also an invasion of individuals right to privacy as they are not parties to this matter. Plaintiff has not obtained class certification.

Id.

Out of an abundance of caution and without the benefit of discovery on class issues due to many of the Defendants' flat out refusal to engage in discovery, Appellant filed a Motion for Class Certification on September 11, 2019. (Pl's Mot for Class Cert). Appellant alleged in his Complaint that the defendants were engaged in a common scheme and had a common policy of withholding credit card tips from their employees. (Compl at p. 8, ¶13; p. 10, ¶¶27 and 29; p. 13, ¶42; p. 15, ¶54). Representatives from Ladles James Island, Ladles West Ashley, and Ladles Fort Mill all confirmed in their depositions that they did not pay credit card tips to their employees. (Terri Owens Depo. for Ladles James Island at p. 25, ll. 10-25; p. 27, ll. 1 -18 and Corey Paul Depo. for Ladles West Ashley and Ladles Fort Mill[2] at p 32, ll. 1-16; p. 37, ll. 3-5). Ms. Julie Dyke, representing Respondents, testified that Respondents paid credit card tips to their employees. (Depo of Julie Dyke at p. 24, ll. 23-25; p. 25, ll. 1-2). However, despite Appellant's discovery requests, Respondents never produced any materials confirming this. Moreover, at the hearing on Respondents' Motion for Summary Judgement, counsel for Respondents contradicted Ms. Dyke's testimony when he stated that Respondents only "turn over the tips, the credit card tips, through a bonus program to the employees." (Hr'g Tr at p. 11, ll. 21-24). Appellant's complaint alleges that

[2] Corey Paul owns Ladles West Ashley as well as Ladles Fort Mill.

tips are wages that belong to the employees under the SCPWA. (Compl at pp. 14-15). Withholding the tips in order to distribute them as a bonus would still be a violation of the SCPWA as alleged in Appellant's complaint, and part of the same policy or scheme of withholding credit card tips common among all of the Ladles defendants. At the hearing, Respondents argued that there was no common scheme or policy among the defendants. (Hr'g Tr at p. 11, ll. 19-22) However, Respondents improperly benefited from the several franchisee defendants' refusal to comply with discovery requests that likely would have supported Appellant's class action claims regarding numerosity, commonality, typicality, adequacy, and amount in controversy.

Although the language of S.C.R.C.P. Rule 23(d)(1) does not require that a party move for class certification when the action is brought as a class action, and despite several of the defendants refusal to engage in discovery, Appellant did request that a class be certified in his November 26, 2018 Memorandum in Opposition to Defendants' Motion to Disallow Class Certification and also filed a separate Motion for Class Certification which was pending with the trial court when Respondents' Motion for Summary Judgment was granted (Pl's Memo in Opp to Mot to Disallow Class Cert; Pl.'s Mot for Class Cert). Appellant requested that a class be certified three times when he: (1) brought the suit as a class action alleging that employees at all of the Ladles locations were having credit card tips withheld in violation of the SCPWA; (2) requested on November 26, 2018, that a class be certified in response to the several defendants' Motion to Disallow Class Certification; and (3) filed a Motion for Class Certification on September 11, 2019 which was pending when the trial court ruled at the October 29, 2019 hearing that Respondents' Motion for Summary Judgment was granted. (Hr'g Tr at p. 13-14). The trial court erred in not allowing discovery on the class action issues and granting Respondents' Motion for Summary Judgment while Appellant's Motion for Class Certification was still pending.

III. THE TRIAL COURT ERRED WHEN IT FOUND THAT APPELLANT LACKED STANDING TO ASSERT HIS CLAIMS AGAINST RESPONDENTS BECAUSE RESPONDENTS WERE ENGAGED IN A COMMON SCHEME WITH OTHER LADLES DEFENDANTS THAT DAMAGED APPELLANT.

The Order granting Summary Judgment for Respondents found that Appellant lacks standing to bring his claims against Respondents because he "has no contractual relationship with the Defendants, therefore, he has no standing to sue them." (Order at p. 3). However, no legal authority is cited in the Order or in Ladles Mt. Pleasant's Motion or Memorandum to support this finding.

Although courts may require that the class representative have a cause of action against each defendant, there are two exceptions to this requirement which should be applied in this instance: "(1) Situations in which all injuries are the result of a conspiracy or concerted schemes between the defendants ... and (2) Instances in which all defendants are juridically related in a manner that suggests a single resolution of the dispute would be expeditious. *Thompson v Board of Education of Romeo Community Schools*, 709 F2d 1200,1204-05 (6th Cir 1983). *See also Haas v Pittsburgh National Bank*, 526 F2d 1083, 1088n 3 (3d Cir 1975), citing *La Mar v H & B Novelty and Loan Co*, 489 F2d 461,466 (9th Cir 1973); *Erie Fire Insurance Co v Madden*, 204 W Va 606,515 SE2d 351,354 (1998). This doctrine is premised on the notion that the class, not the class representative, is the relevant legal entity for the purpose of Article III justiciability concerns. *See Payton v. County of Kane*, 308 F.3d 673, 679 (7th Cir.2002). The juridical link doctrine arose in the Ninth Circuit's La Mar decision. In *La Mar*, an airline passenger sued the airline from which he purchased a ticket, alleging that the airline overcharged him under the tariff rules. *La Mar*, 489 F.2d at 463. The plaintiff also included six other airlines in his action and brought it on behalf of all others who had suffered a similar overcharge. *La Mar*, 489 F.2d at 463. The plaintiff did not purchase a ticket from these six other defendant airlines and had no dealings with them. *La Mar*,

489 F.2d at 463. The court held that generally, a plaintiff without a cause of action against a specific defendant cannot "fairly and adequately protect the interests" of those who do have such causes of action for purposes of Rule 23(a). *La Mar*, 489 F.2d at 466. Nevertheless, the court went on to recognize the two exceptions for instances involving a concerted scheme or a juridical relationship. *La Mar*, 489 F.2d at 466.

A "juridical relationship," often called a "juridical link," refers to a type of legal relationship which connects all defendants in a way that would make single resolution of a dispute preferable to a multiplicity of similar actions. *Chipman v. Nw. HealthCare Corp.*, 2012 MT 242, 366 Mont. 450, 288 P.3d 193 (Mont. 2012), citing *In re Itel Sec. Litigation*, 89 F.R.D. 104, 121 (N.D.Cal.1981). Since *La Mar*, courts have applied the doctrine to circumstances in which "all the defendants took part in a similar scheme that was sustained either by a contract or conspiracy, or was mandated by a uniform state rule," such that it was "appropriate to join as defendants even parties with whom the *named* class representative did not have direct contact." *Payton v. County of Kane*, 308 F.3d 673, 679 (7th Cir.2002) (emphasis in original); *Moore v. Comfed Sav. Bank*, 908 F.2d 834, 838–39 (11th Cir.1990); *Fallick v. Nationwide Mut. Ins. Co.*, 162 F.3d 410, 423–24 (6th Cir.1998).

In *Amchem Prods., Inc. v. Windsor*, 521 U.S 591 (1997) and *Ortiz v. Fibreboard Corp.*, 527 U.S. 815 (1999), the Supreme Court addressed standing when attempting to settle an asbestos tort liability case. Both *Amchem* and *Ortiz* dealt with a proposed settlement that would have affected unnamed plaintiffs who had not yet suffered any asbestos-related injury. The Court deferred consideration of the standing of the unnamed plaintiffs until after class certification because the class certification issues were "'logically antecedent' to Article III concerns" and therefore could be "treated before Article III standing." *Oritz*, 527 U.S. at 831; see *Amchem*, 521

U.S. at 612. The Court recognized that Article III considerations generally must be dealt with before reaching the merits of a case, however, to rule on standing before class certification in *Oritz* and *Amchem* would have "required the Court to make a determination as to the standing of persons who were not actually parties to the case, but who were only proposed parties to the case." *In re Wellbutrin XL Antitrust Litig.*, 260 F.R.D. 143, 153 (E.D. Pa. 2009). The Supreme Court analyzed the dispositive class certification issues first while being "'mindful that [Rule 23's] requirements must be interpreted in keeping with Article III's constraints.'" *Ortiz*, 527 U.S. at 831 (quoting *Amchem*, 521 U.S. at 612-13). South Carolina has not yet ruled on the "logically antecedent" concept.

Here, the trial court should have defined the class first and then assessed whether proposed class representatives could satisfy the necessary requirements of Rule 23. *E.g. Payton v. County of Kane,* 308 F.3d 673 (7th Cir. 2002). In *Payton*, six arrestees filed a putative class action on behalf of themselves and all others similarly situated who had paid a fee to be released on bail from jails from various counties in Illinois. The named plaintiffs sought to certify a class that would include anyone who paid a fee in nineteen counties even though the named plaintiffs had direct claims in only two counties. The district court dismissed all of the claims and denied the motion for class certification as moot. The Court of Appeals for the Seventh Circuit found that the named plaintiffs did have standing to sue in two counties where they had direct claims. The court then addressed the "the propriety of maintaining a suit against the other 17 counties, for which we have no specific named plaintiffs." *Payton*, 308 F.3d at 677-78.

The *Payton* court questioned whether, for standing purposes, it should "look only to the named plaintiffs, or if, once the requirements of Rule 23 are met, the true plaintiff is the class as a whole." *Id*. at 678. In beginning its analysis of the timing of the standing inquiry, the *Payton* court

noted the *Ortiz* "directive to consider issues of class certification prior to issues of standing." *Id*. at 680. To support the finding that the standing issues should be put off until after class certification, the court invoked the "juridicial link" doctrine. *Id*. at 678.

The *Payton* court described the "juridicial link" doctrine as allowing a class action to go forward if the "plaintiffs as a group—named and unnamed—have suffered an identical injury at the hands of several parties related by way of a conspiracy or concerted scheme, or otherwise 'juridicially related in a manner that suggests a single resolution of the dispute would expeditious.'" Id. at 679 (quoting *La Mar v. H & B Novelty & Loan Co.*, 489 F.2d 461, 466 (9th Cir. 1973)). The bail bond at issue was permitted by state statute so "it is reasonable for the putative plaintiff class to try to hold all counties accountable within one suit." *Id*. at 680. The *Payton* court found a link sufficient to allow the named plaintiffs to bring suit on behalf of the unnamed plaintiffs because they shared the same legal claims through a state statute. *Id*. at 681-82. Despite this finding, the court emphasized that this would not be the case "where the named plaintiff is trying to piggy-back on the injuries of the unnamed class members" because "a named plaintiff cannot acquire standing to sue by bringing his action on behalf of others who suffered injury which would have afforded them standing had they been named plaintiffs." *Id*. at 682 (internal citation omitted).

To date, South Carolina has not yet adopted the *La Mar* exceptions to the standing requirement. *See Gardner v. South Carolina Department of Revenue,* 577 S.E. 2d 190 at footnote 14, 353 S.C. 1 (S.C. 2003). However, the facts in *Gardner* are so different from the present case that its reasoning has little or no application in this matter. *Gardner* deals with a putative class representative for all South Carolina taxpayers who incurred a reduction in their income tax refund due to mistakes made by various South Carolina agencies under a debt collection statute. *Gardner*, 353 S.C. at 8-9. In his Rule 23 “commonality” class action analysis, the plaintiff argued, and the

trial judge agreed, that the common thread among the class members was whether the defendant agencies' actions were proper in seizing income tax refunds from the plaintiffs without proper notice. *Id.* at 22. The Supreme Court found that a key issue in determining whether the agencies violated provisions of the statute, thus causing harm to plaintiffs, was whether the defendant agencies' notices were deficient pursuant to the statute and whether the plaintiffs were prejudiced by the deficiencies. *Id.* at 22-23. The Court concluded that each individual claim would have to be specifically investigated to determine if each plaintiff were prejudiced and that requiring an individual examination of each individual claim defeats the benefits of a class action. *Id*. Likewise, the Court concluded that the same problem arises in the "commonality" analysis for determining class status for the defendant agencies because it would be necessary to determine if the actions of each individual agency resulted in prejudice to the plaintiffs. *Id.*

The present case does not require the type of painstaking examination into each individual claim like the one described in *Gardner.* Indeed, the only examination is simply a determination as to whether or not the Ladles defendant (here, Respondents) withheld credit card tips from its hourly employees. This is exactly the type of case where a class action is most beneficial. The manner in which tips are to be paid to employees is still a relatively novel issue in South Carolina and not well defined. Failure to include all of the franchisee defendants in the present action could lead to inconsistent outcomes regarding the same questions of fact and law. Moreover, in the interest of judicial economy, it would be preferable for the court not to be burdened with over 75 plaintiffs bringing separate lawsuits against over twenty defendants when a single resolution can be obtained in this matter.

Additionally, Appellant is not trying to "piggy-back on the injuries of the unnamed class members" as described in *Payton* because he suffered the same exact injury of having his credit

card tips withheld as the other potential class members. Appellant's Complaint alleged that the Ladles defendants, including Respondents, had a company-wide policy (or common scheme) of withholding credit card tips from all hourly employees and that this policy damaged Appellant and others similarly situated in violation of the SCPWA[3]. (Compl at p. 8, ¶13; p. 10, ¶¶27 and 29; p. 13, ¶42; p. 15, ¶54).

Deposition testimony from representatives for Ladles James Island, Ladles West Ashley, Ladles Fort Mill, and the Ladles franchisor - Ladles Franchising, Inc., confirmed that they all had this same policy of withholding credit card tips. (Terri Owens Depo. for Ladles James Island at p. 25, ll. 10-25; p. 27, ll. 1 -18 and Corey Paul Depo. for Ladles West Ashley and Ladles Fort Mill at p 32, ll. 1-16; p. 37, ll. 3-5; Sue Allen Depo. at p. 21, ll. 6-25; p. 22, ll. 1-2). Appellant's Complaint also alleged that this policy of withholding credit card tips originated at the original Ladles location in West Ashley by co-founder and franchisor, Sue Allen. (Compl at p. 8, ¶15; p. 9 ¶16). Prior to starting their own franchise, Respondents trained and worked at the original Ladles West Ashley

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[3]The SCPWA provides that an employer shall not "withhold or divert" any portion of any employee's wages unless required or permitted by federal or state law "or the employer has given written notice of the deductions . . ." S.C. Code Ann. § 41-10-40(C). The issue of whether tips constitute wages has arisen several times recently in the United States District Court for the District of South Carolina. *Carbone v. Zen* 333 Inc., No. 2:16-CV-0108-DCN, 2016 WL 7383920, at *4 (D.S.C. Dec. 21, 2016) (holding that tips constitute wages under the SCPWA); *Degidio v. Crazy Horse Saloon & Rest., Inc.*, No. 4:13-CV-02136-BHH, 2016 WL 3125467, at *5 (D.S.C. June 3, 2016) (same); *Gardner v. Country Club, Inc*., No. 4:13-CV-03399-BHH, 2016 WL 3125469, at *5 (D.S.C. June 3, 2016). S.C. Code Ann. § 41-10-10(2) defines "wages" as:

> all amounts at which labor rendered is recompensed, whether the amount is fixed or ascertained on a time, task, piece, or commission basis, or other method of calculating the amount and includes vacation, holiday, and sick leave payments which are due to an employee under any employer policy or employment contract. Funds placed in pension plans or profit sharing plans are not wages subject to this chapter.

The Court in *Sean Bass v. 817 Corp.,* No.: 2:16-cv-1964-RMG (D.S.C. Mar. 3, 2017), found that the literal meaning of "all amounts for which labor rendered is recompensed" suggests that the statute covers just that, all amounts. Moreover, the Court found that the broad language that follows the clause to include amounts "fixed or ascertained" by any "method of calculating the amount" is intended to reinforce the comprehensiveness of "all amounts" rather than limit the term. *Id.* Finally, the statutory text specifically excludes only funds placed in pension plans or profit sharing plans from the definition of wages. *Id.*

location as well as the Knightsville and Freshfields locations. (Depo. of Julie Dyke at p. 9, ll. 13-25; pp. 10-13; p. 20, ll. 4-24). Although Ms. Dyke testified that Respondents paid credit card tips to Respondents' employees, despite being requested in discovery, they never produced evidence (payroll records or checks showing payment of charged tips) that supported this claim and this testimony was contradicted by their counsel at the hearing on Respondents' Motion for Summary Judgment when he stated that Respondents only "turn over the tips, the credit card tips, through a bonus program to the employees." (Hr'g Tr at p. 11, ll. 21-24).

Respondents argued, and the trial court found, that there was no evidence of an agreement (or policy) among the Ladles franchisees regarding how to handle tips. (Hr'g Tr at p. 3). However, Appellants contend that just because a policy that may be in violation of South Carolina statutory law is not specifically included in a franchise agreement or otherwise put into writing, it does not mean that it does not exist. If all of the Ladles franchisees have the same policy of withholding credit card tips (even if those tips are later disbursed to select employees as bonuses) then that may be evidence that a common policy (or scheme) exists.

Additionally, Appellant's own investigation uncovered testimony which may be evidence of a conspiracy and illustrates how an employee like Appellant could be damaged by another Ladles employer. A Ladles West Ashley employee, Lani Charpia, stated in an affidavit that a Ladles West Ashley customer had learned that credit tips were not being paid to the employees. Ms. Charpia was then told by one of her managers not to tell customers that servers do not get the credit card tips. (Affidavit of Lani Charpia at ¶¶ 5-8). Subsequently when asked the same question by other customers, Ms. Charpia stated that she told them that she was "not allowed to say." *Id* at ¶ 8. As a result, customers who learn of the policy while dining at one Ladles location and then subsequently dine at another Ladles location may fail to leave a credit card tip for those employees

since the customer already knows or suspects that employees do not get credit card tips at "Ladles." This shows how employees at Ladles James Island (or Mt. Pleasant, Fort Mill, Knightsville, Coosaw, etc.) can be damaged by the actions of each Ladles location regardless of whether that location is the one that signs the pay checks.

IV. APPELLANT'S TESTIMONY CITED IN THE TRIAL COURT'S ORDER REGARDING RESPONDENTS' TIPPING POLICY LEAVES AN ISSUE OF TRIABLE FACT FOR THE JURY.

Respondents argued, and the trial court found, that there was no credible evidence in the record that Ladles Mt. Pleasant improperly or illegally handled its tips with regard to the Appellant or towards any employee. (Order at p. 3). To support this finding the Order cites testimony from Appellant stating:

> Q. As far as you know, Ladles Mount Pleasant was doing it right, as far as you know?
> A. As far as I was told.

Id.

Appellant's testimony was speculative and he merely testified as to what he heard from his co-worker, Logan Simmons, who had no first-hand knowledge of its policy for paying employees charged tips. Appellant also testified that:

> A. I was told, and it's hearsay, by my employee, Logan, that the only person or company that allowed the employees to collect all tips including charge was Mount Pleasant. And I wanted to exclude them if there was truth to that. But he told me – my knowledge was he told me that was the franchise of the company policy, that that's what all the restaurants did except Mount Pleasant.

(Depo of Craig Chappell at p. 21, ll. 20-25 and at p. 22, ll. 1-2).

Moreover, the speculative third-party information provided to Appellant appears to be based on the mistaken belief that the Town of Mt. Pleasant has its own ordinance requiring employers to pay its employees credit card tips:

A. And like I said, it was told by Logan, again, that they're the only ones that were allowed to get charge tips, for some city ordinance. That came from Logan, so I know it's hearsay.

Id. at p. 45, ll. 8-11. The Town of Mt. Pleasant does not appear to have any such ordinance or regulation.

Appellant's testimony regarding Ladles Mt. Pleasant's policy for paying employees charged tips based on what he was told by a third-party who has never worked at Ladles Mt. Pleasant is purely speculative and far from dispositive.

CONCLUSION

For the reasons stated above, Appellant respectfully requests that this Court reverse the trial court's decision to grant Respondents' Motion for Summary Judgment. The trial court's grant of summary judgment was premature because Appellant did not have a full and fair opportunity to complete discovery. The trial court's grant of summary judgment was also premature because Appellant's Motion for Class Certification was still pending when the trial court made its decision. Appellant had standing to bring his claims against Respondents because they were engaged in a common scheme with other Ladles defendants that damaged Appellant. Finally, Appellant's testimony cited in the trial court's order regarding Respondents' tipping policy leaves an issue of triable fact for the jury.

July 29, 2020

__s/David D. Ashley_____
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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2020-000201

CRAIG CHAPPELL, on behalf of himself and others similarly situated,
Appellant,

v.

Ladles Soups – James Island LLC; Ladlessoups, LLC; Ladles Soups At Cane Bay LLC; Ladles Soups At Citadel Mall LLP; Ladles Soups Calhoun LLC; Ladles Soups Cane Bay LLC; Ladles Soups Coosaw LLC; Ladles Soups Downtown Charleston, LLC; Ladlessoups Fresh Fields, LLC; Ladles Soups @ Freshfields Village, LLC; Ladlesoups Mainstreet, LLC; Ladles Soups Moncks Corner LLC; Ladlessoups Mount Pleasant, LLC; Ladles Franchise Development, LLC; Ladles Franchising Inc.; Ladles Fort Mill, LLC; Ladles Knightsville LLC; Ladles West Ashley; Teri Owens; Sue Allen, Tracy Allen, Steve Traeger, Erik Dyke, Julie Dyke, Stan Sutton, Carol Sutton, Jason Dalter, Kellie Henderson; Jane Doe 1-25 (Unknown Operating Company and Management Company Owners); John Doe 25-40 (Management Personnel),

Of which Ladlessoups Mount Pleasant, LLC, Erik Dyke and Julie Dyke are the
Respondents.

PROOF OF SERVICE FOR APPELLANT'S INITIAL BRIEF

I, David Ashley, certify that pursuant to Rules 209(a) and 262(b), *SCACR*, I have served *Appellant's Initial Brief* on Ladles Soups Mount Pleasant, LLC, Erik Dyke and Julie Dyke by e-mailing a copy to their attorney of record, P. Brandt Shelbourne, at brandt@shelbournelaw.com on July 29, 2020.

July 29, 2020

s/David D. Ashley
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Craig Chappell v. Ladle Soups // 2020-000201

1 message

David Ashley <david@leclercqlaw.com> Wed, Jul 29, 2020 at 11:23 AM
To: Brandt Shelbourne <brandt@shelbournelaw.com>, Ben Le Clercq <ben@leclercqlaw.com>, Debbie Mathews <Debbie@leclercqlaw.com>, Yvonne Franklin <civlit@shelbournelaw.com>

Dear Brandt,

Please see the attached Initial Brief and Designation of Matter to be Included in Record on Appeal in Craig Chappell v. Ladle Soups // 2020-000201.

Respectfully,

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4 attachments

- **2020 07 29 Initial Brief - Ladles Mt. Pleasant - final.pdf**
  591K
- **2020 07 29 Proof of Service - Initial Brief.pdf**
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- **2020 07 29 Designation of Matter to be Included in Record on Appeal - final.pdf**
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