

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
Cynthia Graham Howe, Master-in-Equity

---

Appellate Case No. 2018-001590

---

Andrew Waldo; Jane Zheng; and SC Coast Properties, LLC  
d/b/a Keller Williams Realty .....Respondent,

v.

Michael Cousins; Founders Five, LLC d/b/a Sperry Van Ness  
Founders Group; and South Carolina Association of REALTORS.....Appellant.

---

**REPLY IN SUPPORT OF NATIONAL ASSOCIATION OF REALTORS®'  
MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF**

---

Pursuant to Rule 240(f), SCACR, the National Association of REALTORS® (NAR) submits this brief reply in support of its motion for leave to file an *amicus curiae* brief in support of the South Carolina Association of REALTORS®.

NAR requested leave to file an *amicus curiae* brief to offer a detailed analysis of the reasoning behind and ultimate benefits of arbitration. Respondents' response in opposition merely attacks NAR's arguments on the merits and concludes NAR should not have a voice in this matter because it takes a different view from them. The only other argument Respondents offered was a throwaway contention that NAR's request was not timely. Notably, Respondents cited no authority in support of their argument. Cf. Glasscock, Inc. v. U.S. Fid. & Guar. Co., 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001) ("South Carolina law clearly states that short, conclusory

**RECEIVED**  
**Oct 13 2020**  
**SC Court of Appeals**

statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review.”)

Nor could they make such an argument. Rule 213 does not provide a timeframe within which a party must request leave to file an *amicus curiae* brief. See Rule 213, SCACR (“A brief of an *amicus curiae* may be filed only by leave of the appellate court granted on motion, or at the request of the appellate court. The brief may be conditionally filed with the motion for leave to file. A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an *amicus curiae* is desirable. The brief shall be limited to argument of the issues on appeal as presented by the parties and shall comply with the requirements of Rules 208(b) and 211. If leave to file an *amicus curiae* brief is granted, the appellate court will specify the period in which a response to the brief may be filed.”).

In any event, NAR’s brief was timely, and Respondents cannot show any prejudice. As noted in the letter the parties received from the Clerk’s office last week, the Court is tentatively scheduling oral arguments in this matter to take place during the February 2021 Term of Court. That is over four months away. NAR is confident Respondents can process its brief arguments and formulate an appropriate response by then. To be sure, the return in opposition to NAR’s motion for leave to file an *amicus curiae* brief read more like a responding brief anyway. Accordingly, even if the brief could have been filed sooner, Respondents cannot demonstrate any prejudice stemming from the timing of NAR’s filing.

In sum, for the foregoing reasons—as well as those set forth in the motion for leave—the Court should grant NAR leave to file an *amicus curiae* brief in this matter and accept the brief conditionally attached to the motion as filed.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, LLC

By: s/Elizabeth Van Doren Gray  
Elizabeth Van Doren Gray  
SC Bar No. 2434  
Vordman Carlisle Traywick, III  
SC Bar No. 102123  
1310 Gadsden Street  
Post Office Box 11449  
Columbia, South Carolina 29211  
(803) 929-1400  
egray@robinsongray.com  
ltraywick@robinsongray.com

*Attorneys for Amicus Curiae National Association  
of REALTORS®*

Columbia, South Carolina

October 13, 2020

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
Cynthia Graham Howe, Master-in-Equity

---

Appellate Case No. 2018-001590

---

**RECEIVED**

**Oct 13 2020**

**SC Court of Appeals**

Andrew Waldo; Jane Zheng; and SC Coast Properties, LLC  
d/b/a Keller Williams Realty .....Respondent,

v.

Michael Cousins; Founders Five, LLC d/b/a Sperry Van Ness  
Founders Group; and South Carolina Association of REALTORS® .....Appellant.

---

**PROOF OF SERVICE**

---

I hereby certify that I have served Reply in Support of National Association of REALTORS® Motion for Leave to File Amicus Curiae Brief by emailing it to counsel for the other parties at the email addresses below on October 13, 2020 (copy of email attached):

L. Sidney Connor, IV  
Post Office Drawer 14547  
Surfside Beach, South Carolina 29587-4547  
sconnor@classactlaw.net  
*Attorney for Appellants,*  
*Michael Cousins; Founders Five, LLC d/b/a*  
*Sperry Van Ness Founders Group*

Marcus A. Manos  
Christopher R. Hampton  
Nexsen Pruet, LLC  
1230 Main Street, Suite 700

Columbia, South Carolina 29201  
mmanos@nexsenpruet.com  
champton@nexsenpruet.com  
*Attorneys for Appellant South Carolina  
Association of REALTORS®*

Douglas M. Zayicek  
Holly Michelle Lusk  
The Bellamy Law Firm  
PO Box 357  
Myrtle Beach, South Carolina 29578  
dzayicek@bellamylaw.com  
hlusk@bellamylaw.com  
*Attorneys for Respondents,  
Andrew Waldo; Jane Zheng; and SC Coast Properties, LLC  
d/b/a Keller Williams Realty*

s/Elizabeth Van Doren Gray  
Elizabeth Van Doren Gray  
SC Bar No. 2434  
Vordman Carlisle Traywick, III  
SC Bar No. 102123  
1310 Gadsden Street  
Post Office Box 11449  
Columbia, South Carolina 29211  
(803) 929-1400  
egray@robinsongray.com  
ltraywick@robinsongray.com

*Attorneys for Amicus Curiae National Association  
of REALTORS®*

**From:** [Cynthia D. Nygord](#)  
**To:** [connor@classactlaw.net](mailto:connor@classactlaw.net); [Marcus Manos](#); [champton@nexsenpruet.com](mailto:champton@nexsenpruet.com); [dzayicek@bellamylaw.com](mailto:dzayicek@bellamylaw.com); [husk@bellamylaw.com](mailto:husk@bellamylaw.com)  
**Cc:** [Betsy Gray](#); [Lisle Traywick](#); [Christine Skalamera](#); [Cynthia D. Nygord](#); {F263581}.Clients@f8eed.imatech.work  
**Subject:** RE: Reply in Support of National Association of REALTORS® Motion for Leave to File Amicus Brief [IMAN-CLIENTS.FID263581]  
**Date:** Tuesday, October 13, 2020 4:23:52 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[NAR's Reply in Support of Motion for Leave to File Amicus Brief - Final.pdf](#)  
[PROOF OF SERVICE - Reply in Support of Motion for Leave to file Amicus Curiae Brief - 10.13.20.pdf](#)

---

Dear Counselors:

Attached herewith for service upon you, pursuant to the Supreme Court of South Carolina Amended Order dated May 29, 2020, please find the Reply in Support of National Association of REALTORS® Motion for Leave to File Amicus Curiae Brief and Proof of Service for the same. The attached will be filed with the South Carolina Court of Appeals this afternoon.

A copy of this email will be filed with the Proof of Service.

Please let us know if you have any difficulty opening the attachments.

With kindest regards,  
Cyndi Nygord



**CYNDI NYGORD** PARALEGAL

DIRECT 803.231.7845

**VCARD**

[ROBINSONGRAY.COM](mailto:CYNDI@ROBINSONGRAY.COM)

1310 Gadsden Street  
PO Box 11449 (29211)  
Columbia, SC 29201



NOTICE: This e-mail is confidential and may contain information which is legally privileged or otherwise exempt from disclosure. If you received this message in error, please delete this message from your device.

*During the COVID-19 pandemic, Robinson Gray is committed to providing our clients with uninterrupted, high-quality legal service in the safest environment possible. Since our technology enables all employees to work remotely through a secure cloud-based network, Robinson Gray is fully operational during the pandemic and can readily respond to your needs without compromising the safety of our attorneys and staff.*

[Supporting Green](#) print wisely.

**RECEIVED**  
**Oct 13 2020**  
**SC Court of Appeals**