

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

RECEIVED
Nov 10 2020

S.C. SUPREME COURT

CURT O. HALL,)
Plaintiff,)
)
v.)
)
UBS FINANCIAL SERVICES, INC., AND)
MARY LUCY REID, INDIVIDUALLY,)
Defendant.)

C.A. NO.: 6:19-CV-03316-TMC

**MOTION REQUESTING THE SUBMISSION OF ADDITIONAL
DOCUMENTS BE INCLUDED IN THE RECORD FROM THE
CERTIFYING COURT TO THE SUPREME COURT**

Pursuant to Rule 244 SCACR, Defendants UBS FINANCIAL SERVICES, INC (UBS) and MARY LUCY REID (Reid) respectfully request additional documents be submitted to the Supreme Court in relation to the Certified Question for inclusion in the record. Per Rule 244, “[t]he Supreme Court in its discretion may answer questions of law certified to it by any federal court of the United States..., when requested by the certifying court if there are involved in any proceeding before that court questions of law of this state which may be determinative of the cause then pending in the certifying court when it appears to the certifying court there is no controlling precedent in the decision of the Supreme Court.” The record for the appeal of the certified question is limited to those documents submitted by the certifying court. “The Supreme Court will not consider any documents or other evidentiary materials unless the certifying court has submitted those materials.” SCACR, Rule 244(b). “In the event a party believes that additional materials from the record before the certifying court are necessary, it shall notify the Supreme Court and the

certifying court so that the certifying court can determine if the additional materials will be submitted.” *Id.*

Pursuant to SCACR Rule 244 (b), Defendants request the certifying court submit the following documents to the record related to the certified question:

1. **The Complaint** (ECF No. 1-1). Specific paragraphs of the complaint are referenced throughout the Certified Question (see footnote 3). As a result, Defendants request the certifying court add the Complaint to the Certified Question record. In the event the Supreme Court would like to see the referenced document or if additional factual background is needed, reference to the Complaint may be required. Therefore, it should be included.
2. **Dismissal Order of Ryan McLaughlin** (ECF Nos. 25 -26). These orders are referenced in the Certified Question (footnote 1 and 2). As a result, Defendants request the certifying court add the orders to the Certified Question record. In the event the Supreme Court would like to see the referenced documents, they should be included. Further, Defendant Mary Lucy Reid would like to reference these orders in her arguments. As such, Defendant Reid requests the orders be included in the record on the Certified Question.
3. **Withdrawal of the Motion to Dismiss** (ECF No. 33). Arguments from the Withdrawal of the Motion to Dismiss are referenced in Footnote 4 of the Certified Question. As a result, Defendants request the certifying court add the Motion to Withdraw to the Certified Question record. In the event the Supreme Court would like to see the referenced document, it should be included. Further, the Defendants may need to address the procedural posture of this case in the briefing and/or oral argument. Thus, Defendants request the Motion to Withdraw the Motion to Dismiss be included in the record on the certified question.
4. **Motion to Compel Arbitration** (ECF No. 34). The Defendants may need to address the procedural posture of this case in the briefing and/or oral argument. Thus, Defendants request the Motion to Compel Arbitration be included in the record on the Certified Question.
5. **Motion to Dismiss and Associated Briefs** (ECF No. 6 (UBS Motion to Dismiss and memorandum), No. 7 (Reid Motion to Dismiss and memorandum), No. 11 (Hall memorandum in opposition of UBS), No. 12 (Hall memorandum in opposition to Reid), No. 19 (UBS reply) and No. 16 (Reid Reply)). The Defendants may need to address the procedural posture of the case in the briefing and/or oral argument. Thus, Defendants request the Motion to Dismiss and associated briefs be included in the record on the Certified Question.

Dated this 10 day of November 2020.

Respectfully submitted,

s/ Ashley P. Cuttino

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