

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

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Case No. 2018-CP-32-1854  
Appellate Case No. 2019-001181

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**RECEIVED**  
FEB 18 2020  
SC Court of Appeals

Twin Bridge Logistics, LLC n/k/a Twin Bridge Transport, LLC, .....Appellant,

v.

Fisher Tank Company, f/k/a Fisher Tank Company, Inc., .....Respondent.

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**FINAL REPLY BRIEF OF APPELLANT**

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## ARGUMENT

### **I. APPELLANT HAS ASSERTED A CLAIM FOR CONVERSION AND IS ENTITLED TO INTEREST AS A MEASURE OF DAMAGES FOR THIS CLAIM, AS THE MEASURE OF DAMAGES FOR CONVERSION IS THE VALUE OF THE PROPERTY CONVERTED PLUS INTEREST.**

Plaintiff's complaint asserts a claim for conversion and for interest as a measure of damages for the conversion claim. Plaintiff's fourth cause of action within its complaint is a conversion claim. (R. p. 5). Specifically, Plaintiff asserted "Defendant's repeated withholding of payments from Plaintiff constitutes conversion and deprived the Plaintiff of the use of the monies it was legally entitled to possess." (R. p. 5). Additionally, Plaintiff asserted "As a direct and proximate result of Defendant's repeated conversion of payments owed to Plaintiff, Plaintiff is entitled to interest on payments withheld by Defendant." (R. p. 5). It is clear that Plaintiff has asserted both a claim for conversion and for interest as a measure of damages for the conversion claim.

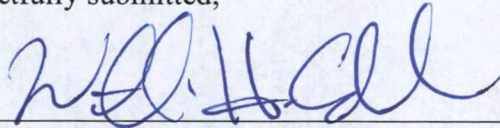
Respondent is incorrect that the issue of conversion was not presented at the hearing on Respondent's motion for summary judgment. At the hearing, Appellant argued the issue of conversion and interest as a measure of damages for the conversion claim. (R. p. 30, lines 4-12). Furthermore, Appellant submits that the lower court did rule on this issue at the hearing on Respondent's motion for summary judgment as the lower court granted summary judgment on Appellant's claims for interest. The lower court erred in granting Respondent summary judgment on the claims for interest as Appellant is entitled to interest as a part of damages for the conversion claim. In a conversion of personal property claim, the proper measure of damages is "the value of the property with interest thereon." *Industrial Welding Supplies, Inc. v. Atlas Vending Co., Inc.*, 276 S.C. 196, 199, 277 S.E.2d 885, 886 (1981); *Gregg v. Bank of Columbia*, 72 S.C. 458, 52 S.E. 195 (1905).

**CONCLUSION**

In conclusion, Appellant has asserted a claim for conversion and is entitled to interest as a measure of damages for this claim.

Respectfully submitted,

By: \_\_\_\_\_



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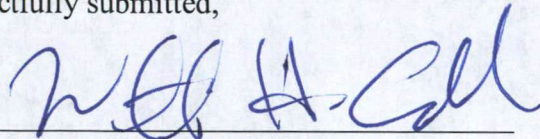
**CERTIFICATE OF COUNSEL**

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The undersigned certified that this Final Reply Brief complies with Rule 211(b), SCACR.

Respectfully submitted,

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February 12, 2020