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Mar 03 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Appeal No. 2020-001095

Joseph Abruzzo,..... Respondent,

v.

Bravo Media Productions LLC; Haymaker
Media, Inc.; NBCUniversal Media, LLC;
Comcast Corporation; Craig Conover; Chelsea
Meissner; and Madison LeCroy,..... Appellants.

**MOTION TO STRIKE OR AMEND
FINAL BRIEF OF RESPONDENT**

Pursuant to Rules 211 and 240, SCACR, Appellants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner and Madison LeCroy move this Court to strike or amend the Final Brief of Respondent Joseph Abruzzo. Rule 211(b) provides that the “final brief(s) shall be **identical** to the brief(s) previously served under Rule 208,” except that references to the record below “shall be revised to indicate where the material appears in the Record on Appeal,” and allowing for correction of “obvious typographical errors and misspellings which were contained in the initial brief. **No other changes may be made.**” Rule 211(b), SCACR (emphasis added).

The Final Brief of Respondent violates Rule 211(b) in at least four respects.

1. At the bottom of page 36, fourth line from the bottom, the word “ostensibly,” which was included in Respondent’s Initial Brief, has been deleted from his Final Brief.
2. In the middle of page 37, nine lines into the paragraph that starts “Finding a contract to be one of adhesion ...” Respondent has added the words “through arbitration.” These words were not included in this paragraph in his Initial Brief.
3. At the top of page 45, in the carry-over paragraph from page 44, Respondent’s Initial Brief reads,¹ “It is not alleged Defendants Bravo, NBC, or Comcast are licensees, successors, or assigns of Defendant Haymaker ...”, whereas his Final Brief reads, “It is not alleged Defendants Bravo, NBC, or Comcast are **parents**, licensees, successors, **subsidiaries**, or assigns of Defendant Haymaker ...” adding the bolded terms.
4. In the middle paragraph on page 45, second sentence, the phrase “and Haymaker are,” which was included in Respondent’s Initial Brief, has been deleted. This substantive edit appears to be in response to footnote 22 of the Reply Brief of Appellants.

These are substantive changes, at least one of which is an attempt to respond to a point raised in the Reply Brief of Appellants. Respondent’s substantive changes are in direct violation of Rule 211, SCACR.

CONCLUSION

For the reasons stated herein, Appellants move this Court to strike the Final Brief of Respondent, dated March 1, 2021 or to order Respondent to amend his Final Brief in order to comply with Rule 211, SCACR.

McANGUS GOUDELOCK & COURIE, L.L.C.



March 3, 2021

By: _____

¹ In the Initial Brief of Respondent, this sentence starts at the bottom of page 44.

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PROOF OF SERVICE

I certify that I have served Appellants' **Motion to Strike or Amend Final Brief of Respondent** on Joseph Abruzzo, by emailing and depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record, as follows:

Aaron E. Edwards, Esq.
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March 3, 2021

/s/Lisa Carducci

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Reply To

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March 3, 2021

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SC Court of Appeals

Via S.C. Courts E-Filing & U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: Joseph Abruzzo v. Bravo Media Productions LLC, Haymaker Media, Inc.,
NBCUniversal Media, LLC, Comcast Corporation, Craig Conover,
Chelsea Meissner, and Madison LeCroy
Civil Action No.: 2020CP1000472 (Charleston)
Carrier Claim No.: 170003678
MGC File No.: 21162.20001
Appeal No.: 2020-001095

Dear Ms. Kitchings:

Enclosed please find Appellants' Motion to Strike or Amend Final Brief of Respondent, along with the Proof of Service in the above-referenced matter. We are sending our firm's check in the amount of \$50 for filing the Motion via U.S. Mail.

If you have any questions, please do not hesitate to contact me.

Sincerely,
McAngus Goudelock & Courie, LLC

Helen F. Hiser

Enclosures

cc: Aaron E. Edwards, Esq. (via Email & U.S. Mail)