

**WALKER || REIBOLD**  
ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

**Robert L. Reibold**

(803)454-0955  
Fax (803)454-0956  
[rreibold@walkerreibold.net](mailto:rreibold@walkerreibold.net)

May 5, 2012

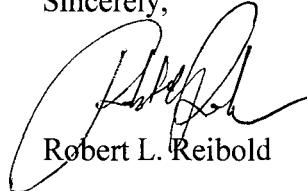
The Hon. Tanya Gee  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

RE: Diane R. Henderson f/k/a Diane Reed vs. Summerville Ford-Mercury, Inc.  
C. A. No. 2009 CP 18-111

Dear Ms. Gee:

This to advise that we received the requested transcript from Mrs. Harry Walker on May 2, 2012.

Sincerely,



Robert L. Reibold

RLR:hbg

cc C. Steven Moskos, Esq.  
Office of Court Administration

**RECEIVED**

MAY 07 2012

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
Common Pleas Court

The Honorable Edgar Warren Dickson

Case No. 2009 CP 18-111

Diane R. Henderson F/K/A Diane M. Reed, Respondent

vs.

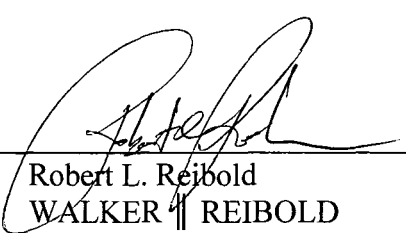
Summerville Ford-Mercury Inc. and Capital One Defendants,  
Auto Finance, Inc.,

Of whom, Summerville Ford-Mercury Inc. is Appellant

PROOF OF DELIVERY

I certify that I have served Appellant's Designation of Matter to be Included in the Record on Appeal on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on May 10, 2012, addressed to her attorney of record C. Steven Moskos, 535 Stinson Drive, Charleston, South Carolina 29407.

May 10, 2012

  
Robert L. Reibold  
WALKER & REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955  
ATTORNEYS FOR APPELLANT

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

RECEIVED

MAY 11 2012

SC Court of Appeals

---

Case No. 2009-CP-18-00111

---

Diane R. Henderson ..... Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.,

Of whom Summerville Ford-Mercury, Inc. is the ..... Appellant.

---

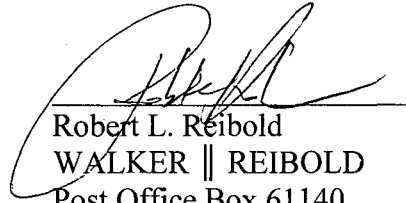
DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

---

Appellant proposes that the following be include in the Record on Appeal:

1. Order dated December 19, 2011
2. Order dated June 21, 2009;
3. Award of Arbitrator;
4. Motion to Compel Arbitration with Affidavits and Exhibits; and
5. Transcript of Hearing.

I certify that this designation contains no matter which is irrelevant to this appeal.



Robert L. Reibold  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955

ATTORNEY FOR APPELLANT

May 10, 2012

64535

# C. STEVEN MOSKOS, P.A.

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
By the National Board of Trial Advocacy  
Board Certified Civil Mediator



535 Stinson Drive  
Charleston, SC 29407

Telephone: 843-763-5297 • Facsimile: 843-266-1925  
Website: www.moskoslaw.com  
E-mail: csmoskos@earthlink.net

June 8, 2012

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

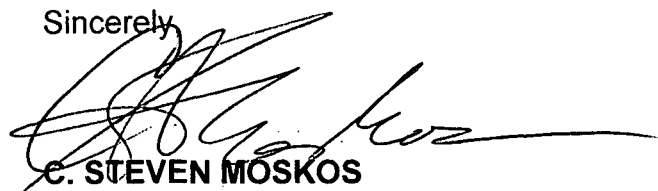
**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**  
**Case No: 09-CP-18-111**

Dear Madam Kitchings:

Pursuant to my conversation with Elizabeth Carter, I am making a motion for an extension of time to submit my Initial Brief and Designation Of Matter To Be Included On Appeal. I would ask that I have at least until July 11 to prepare and file these documents. It is my understanding that since this is my first request for an extension that I do not have to submit a formal motion. I have, however, enclosed my check in the amount of \$25.00 to cover the filing fee for this motion. Thank you for your attention to this matter.

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

Sincerely,

  
**C. STEVEN MOSKOS**  
CSM/aml

18

6-11-12  
7-11-12

cc: Robert L. Reibold, Esq. - Attorney for Appellant  
Diane Henderson

**RECEIVED**  
JUN 12 2012  
SC Court of Appeals

# The South Carolina Court of Appeals

Diane R. Henderson F/K/A Diane M. Reed, Respondent,

v.

Summerville Ford-Mercury Inc. and Capital one Auto  
Finance, Inc., Defendants,

Of whom, Summervill Ford-Mercury Inc. is Appellant.

Appellate Case No. 2012-207606

The Honorable Edgar W. Dickson  
Dorchester County  
Trial Court Case No. 2009CP1800111

---

ORDER

---

The time for serving and filing the respondent's initial brief and designation of mater is hereby extended until July 11, 2012.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina  
cc:  
Robert Lawrence Reibold  
C. Steven Moskos

**FILED**

6-15-12 *AAJ*

6-18-36

**C. STEVEN MOSKOS, P.A.**

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
By the National Board of Trial Advocacy  
Board Certified Civil Mediator

M

535 Stinson Drive  
Charleston, SC 29407

Telephone: 843-763-5297 • Facsimile: 843-266-1925

Website: [www.moskoslaw.com](http://www.moskoslaw.com)

E-mail: [csmoskos@earthlink.net](mailto:csmoskos@earthlink.net)

**RECEIVED**

JUL 11 2012

July 6, 2012

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

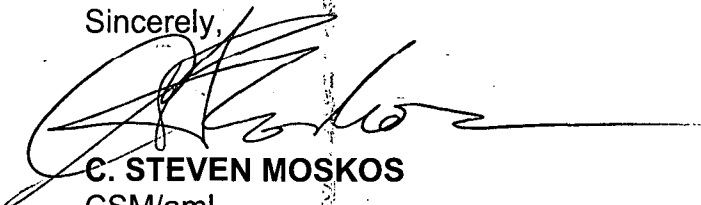
**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.  
Case No: 09-CP-18-111**

Dear Madam Kitchings:

I am making a motion for an extension of time to submit my Initial Brief and Designation Of Matter To Be Included On Appeal. I have enclosed an original and seven (7) copies of my motion and certificate of service. I would ask that you return a filed copy of my motion in the self addressed envelope provided for you convenience. I would ask that I have at least until August 10 to prepare and file these documents. I have enclosed my check in the amount of \$25.00 to cover the filing fee for this motion. Thank you for your attention to this matter.

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

Sincerely,



**C. STEVEN MOSKOS**  
CSM/aml

cc: Robert L. Reibold, Esq. - Attorney for Appellant  
Michael Gruenloh, Esq. - Attorney for Capital One  
Diane Henderson

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

Case No.: 09-CP-18-111

**RECEIVED**

JUL 11 2012

SC Court of Appeals

Diane R. Henderson f/k/a Diane M. Reed.....Respondent

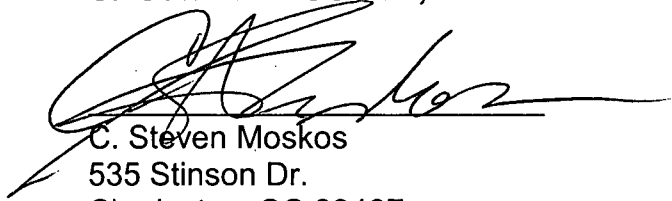
v.

Summerville Ford-Mercury, Inc.....Appellant

PROOF OF SERVICE

I certify that I have served the Respondent's Motion for Extension Of Time to file her Initial Brief of Respondent and Designation Of Matter To Be Included On Appeal by depositing a copy of it in the United States Mail, postage prepaid, on July 6, 2012, addressed to their Attorneys of Record Robert Reibold P. O. Box 61140 Columbia, SC 29260 and Mike Gruenloh 9 Broad Street Charleston, SC 29401, Esq., P. O. Box 993, Charleston, SC 29402-0993.

**C. STEVEN MOSKOS, PA**



C. Steven Moskos  
535 Stinson Dr.  
Charleston, SC 29407  
(843) 763-5297  
Attorney of Respondent-Appellant

Other Counsel of Record:

Walker & Reibold, LLC  
Robert Reibold  
P. O. Box 61140  
Columbia, SC 29260  
Attorneys of Appellant-Respondent

Mike Gruenloh  
9 Broad Street  
Charleston, SC 29401  
Attorney for Capital One

64836

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

Case No.: 09-CP-18-111

**RECEIVED**

JUL 11 2012

SC Court of Appeals

Diane R. Henderson f/k/a Diane M. Reed.....Respondent

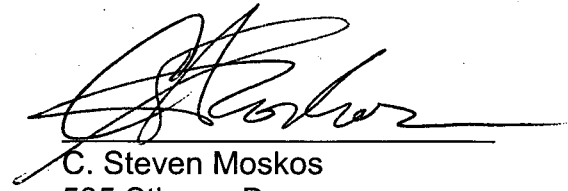
v.

Summerville Ford-Mercury, Inc.....Appellant

RESPONDENT'S SECOND MOTION  
FOR EXTENSION OF TIME

Respondent Reed hereby moves the Court for an Order granting an extension of time to file her Initial Brief of Respondent and Designation Of Matter To Be Included On Appeal which was due June 11, 2012. The basis for this motion is Respondent's counsel has had to a vigorous trial calendar combined with long standing vacation plans. Respondent Reed would request an extension of time of not less than thirty (30) days to file her Initial Brief and Designation Of Matter To Be Included On Appeal.

**C. STEVEN MOSKOS. PA**



C. Steven Moskos  
535 Stinson Dr.  
Charleston, SC 29407  
(843) 763-5297  
Attorney of Respondent

2nd  
7/11  
8/10

# The South Carolina Court of Appeals

Diane R. Henderson F/K/A Diane M. Reed, Respondent,

v.

Summerville Ford-Mercury Inc. and Capital One Auto  
Finance, Inc., Defendants,

Of whom, Summerville Ford-Mercury Inc. is the  
Appellant.

Appellate Case No. 2012-207606

The Honorable Edgar W. Dickson  
Dorchester County  
Trial Court Case No. 2009CP1800111

---

## ORDER

---

The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until August 10, 2012.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:

Robert Lawrence Reibold  
C. Steven Moskos

**FILED**

7-20-12 JRT

**C. STEVEN MOSKOS, P.A.**

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
By the National Board of Trial Advocacy  
Board Certified Civil Mediator

535 Stinson Drive  
Charleston, SC 29407

Telephone: 843-763-5297 • Facsimile: 843-266-1925

Website: [www.moskoslaw.com](http://www.moskoslaw.com)

E-mail: [csmoskos@earthlink.net](mailto:csmoskos@earthlink.net)

**RECEIVED**

AUG 13 2012

SC Court of Appeals

August 8, 2012

Harry A. Walker  
PO Box 127  
Rowesville, SC 29133-0127

**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**


**Case No: 09-CP-18-111**

Dear Ms. Walker:

Please be advised that I represent Diane Henderson, formerly known as Diane Reed, regarding the above referenced case. You were the court reporter for a motion hearing before Judge Williams on June 1, 2009 regarding the above case. I am requesting that you provide me with a copy of the transcript from that hearing. I agree to pay for a copy of the transcript pursuant to Rule 607 SCACR.

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

Sincerely,



**C. STEVEN MOSKOS**  
CSM/aml

cc: SC Court of Appeals  
Brooks Fudenberg  
Robert L. Reibold, Esq. - Attorney for Appellant  
Michael Gruenloh, Esq. - Attorney for Capital One  
Diane Henderson

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

---

Case No.: 09-CP-18-111

---

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.,

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

---

**NOTICE OF APPEARANCE**

---

You will please take notice that I hereby enter my appearance as additional counsel of record for the Respondent.

August 8, 2012



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464  
Tel. (843) 416-2558  
eFax: (910) 401-1242  
BRF@Fudenberglaw.com

**RECEIVED**

AUG 10 2012

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

---

Case No.: 09-CP-18-111

---

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

---

Motion for Extension of Time

---

Respondent, Diane R. Henderson, respectfully requests an extension of time to file her initial brief in this matter. The brief would otherwise need to be mailed by August 13.

The issue on appeal concerns the confirmation by the circuit court of the arbiter's award. Respondent is in possession of the transcript of the hearing regarding the Plaintiff's motion to confirm. She seeks to acquire the transcript of the earlier hearing regarding the Defendant's motion to compel arbitration.

3rd  
8/10  
9/10

**RECEIVED**  
AUG 10 2012  
SC Court of Appeals

This is Respondent's third request for an extension of time. However, the undersigned has recently been engaged as appellate counsel. Based on my review of the case, it appears that the transcript of the earlier hearing will be important to our defense of this appeal.

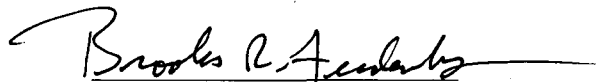
I have spoken with counsel for the Appellant, who authorizes me to state that he has no objection.

Co-counsel has today written the court reporter, asking that the transcript be prepared. A copy is attached as Ex. 1.

Respondent respectfully further requests that time be tolled until the Court acts on this motion, and seeks expedited action on the request to toll the time.

Respectfully submitted,

August 8, 2012



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464  
Tel. (843) 416-2558  
eFax: (910) 401-1242  
BRF@Fudenberglaw.com  
Attorney for Respondent

## **EXHIBIT 1**

# C. STEVEN MOSKOS, P.A.

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
By the National Board of Trial Advocacy  
Board Certified Civil Mediator

535 Stinson Drive  
Charleston, SC 29407

Telephone: 843-763-5297 • Facsimile: 843-266-1925

Website: [www.moskoslaw.com](http://www.moskoslaw.com)

E-mail: [csmoskos@earthlink.net](mailto:csmoskos@earthlink.net)

August 8, 2012

Harry A. Walker  
PO Box 127  
Rowesville, SC 29133-0127

**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**  
**Case No: 09-CP-18-111**

Dear Ms. Walker:

Please be advised that I represent Diane Henderson, formerly known as Diane Reed, regarding the above referenced case. You were the court reporter for a motion hearing before Judge Williams on June 1, 2009 regarding the above case. I am requesting that you provide me with a copy of the transcript from that hearing. I agree to pay for a copy of the transcript pursuant to Rule 607 SCACR.

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

Sincerely,



**C. STEVEN MOSKOS**  
CSM/aml

cc: SC Court of Appeals  
Brooks Fudenberg  
Robert L. Reibold, Esq. - Attorney for Appellant  
Michael Gruenloh, Esq. - Attorney for Capital One  
Diane Henderson

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

---

Case No.: 09-CP-18-111

---

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.

and Capital One Auto Finance, Inc.

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

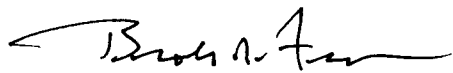
---

Proof of Service

---

I certify that I have served the foregoing Notice of Appearance and Motion on all parties by depositing copies of each in the United States Mail, postage prepaid, on August 7, 2012, addressed to Robert Reibold, Esq., Walker Reibold; Post Office Box 61140, Columbia SC 29260, attorney for Appellant Summerville Ford-Mercury, Inc., and to Michael Gruenloh, Esq., attorney for Capital One, at 9 Broad Street, Charleston, 29401.

August 8, 2012



---

Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464  
Tel. (843) 416-2558  
eFax: (910) 401-1242  
BRF@Fudenberglaw.com

Attorney for Respondent

65151  
25

**LAW OFFICE OF BROOKS R. FUDENBERG**

1004 Anna Knapp Blvd., Suite 3

Mt Pleasant, SC 29464

Tel. (843) 416-2558

BRF@Fudenberglaw.com

August 8, 2012

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

Re: Henderson, Diane, Respondent, v. Summerville Ford-Mercury, Inc., Appellant, 2009-CP-18-111

Dear Ms. Kitchings,

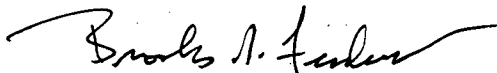
Please find enclosed an original and a copy of my Notice of Appearance in this matter.

Please also find enclosed an original and seven (7) copies of Respondent's Motion to Extend Time in this case, and a check in the amount of \$25.00 as the filing fee.

I would ask that you return a stamped copy of each in the enclosed self-addressed envelope.

For reasons explained in the Motion, Ms. Henderson respectfully requests expedited action on her present Motion.

Yours very truly,



Brooks R. Fudenberg  
Attorney for Respondent

cc: Robert Reibold, Esq.  
Michael Gruenloh, Esq.  
C. Steven Moskos, Esq.

**RECEIVED**

AUG 10 2012

**SC Court of Appeals**

# The South Carolina Court of Appeals

Diane R. Henderson F/K/A Diane M. Reed, Respondent,

v.

Summerville Ford-Mercury Inc. and Capital One Auto  
Finance, Inc., Defendants,

Of whom, Summerville Ford-Mercury Inc. is the  
Appellant.

Appellate Case No. 2012-207606

The Honorable Edgar W. Dickson  
Dorchester County  
Trial Court Case No. 2009CP1800111

---

ORDER

---

The time for serving and filing the respondent's initial brief and designation of  
mater is hereby extended until September 10, 2012.

FOR THE COURT

BY

*V. Claire Allen, Deputy*  
CLERK

Columbia, South Carolina

cc:

Robert Lawrence Reibold

C. Steven Moskos

Brooks Roberts Fudenberg

**FILED**

8-15-12 *LOT*

**LAW OFFICE OF BROOKS R. FUDENBERG**

1004 Anna Knapp Blvd., Suite 3

Mt Pleasant, SC 29464

Tel. (843) 416-2558

BRF@Fudenberglaw.com

September 7, 2012

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

Re: Henderson, Diane, Respondent, v. Summerville Ford-Mercury, Inc., Appellant, 2009-CP-18-111

Dear Ms. Kitchings,

Please find enclosed an original and seven (7) copies of Respondent's Motion to Extend Time in this case, and a check in the amount of \$25.00 as the filing fee.

I would ask that you return a stamped copy of each in the enclosed self-addressed envelope.

Yours very truly,



Brooks R. Fudenberg  
Attorney for Respondent

cc: Robert Reibold, Esq.  
Michael Gruenloh, Esq.  
C. Steven Moskos, Esq.

**RECEIVED**  
SEP 10 2012  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

---

Case No.: 09-CP-18-111

---

SC Court of Appeals  
SEP 12 2012  
RECEIVED

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

---

Movant-Respondent's Reply  
to Appellant's Opposition to Motion for Extension of Time

---

Respondent, Diane R. Henderson, hereby replies to Appellant's memorandum of law in opposition to Respondent's motion for extension of time. Appellant misunderstands the governing law, and misunderstands Respondent's argument.

**Background.** The case concerns the sale of a previously-wrecked vehicle in violation of the South Carolina Unfair Trade Practices Act, S.C. Code Ann. § 39-5-10 et seq. Appellant moved in the circuit court to compel arbitration, was found to have violated that Act, and has paid the

award. The appeal concerns Appellant's desire to impede public knowledge of its practice by precluding the trial court from confirming the award.

This Court previously granted Respondent's request for an extension of time to acquire a transcript. Order of August 11, 2012. This was Respondent's third request for an extension of time, but the first by her newly-engaged appellate counsel. Respondent seeks to give effect to the Court's prior order by extending the time to submit her Brief until the court reporter prepares that transcript.

**Appellant misunderstands the law.** Appellant errs in claiming, Mem. Opp. p. 2, that the transcript "cannot . . . be considered by the Appellate Court." Appellant founds its argument on Rule 210(c), SCACR. Appellant misunderstands that rule. The rule provides, "The Record shall not, however, include matter which was not presented to the lower court or tribunal." The transcript Respondent seeks is of a hearing before the lower court. A hearing before a lower court is a matter which was presented to that court. Such material is properly a part of the Record on appeal (provided it is relevant. The transcript sought here is relevant, as explained below.)

**Appellant misrepresents Respondent's intended argument.** Appellant errs in contending that the transcript is irrelevant. The current appeal concerns confirmation of an arbitration award. Respondent seeks the transcript of the hearing at which the lower court decided, on Appellant's motion, to compel arbitration. Appellant writes as if Respondent intends to appeal the lower court's decision to compel arbitration. That is not Respondent's intended argument.

Appellant writes, Mem. Opp. p. 2, that the judge who decided the question of confirmation of the arbitration award "was not a party" to the original motion to compel arbitration. Respondent agrees. That order sending the case to arbitration was not appealed,

Appellant argues. Respondent agrees. The time to appeal that order has passed, Appellant argues. Respondent again agrees. Therefore Respondent cannot appeal that order, Appellant argues. Respondent agrees yet again. However, Respondent does not seek to appeal the order compelling arbitration.

The present appeal concerns the termination of the arbitration process on its return to the circuit court. Respondent seeks to obtain the transcript concerning the initiation of the arbitration process. She maintains that the beginning is relevant to the ending.

Additional specifics of her argument are provided under the next heading.

**Respondent's Intended Argument.** Respondent might typically refrain from providing any detailed argument in the current procedural posture. However, as Appellant's opposition to the present motion rests on its misrepresentation of the arguments that Respondent intends to base on the transcript, Respondent explains here arguments that she intends to make more fully in her Brief.

Respondent's undersigned counsel understands, and Respondent's trial counsel (C. Steven Moskos) represents, that at the hearing on Appellant's motion to compel arbitration, the hearing for which the transcript is sought, Appellant here, who was the Movant there, and who was the sole drafter of the contract on which Appellant's motion to compel arbitration was based, declined to rely on that contract. Rather, believing the print regarding arbitration was too small to be legible, Appellant insisted on providing the judge with a paper on which the arbitration clause was provided in normal, every-day text.

Respondent seeks to present the relevant pages from the transcript to the reviewing Court. Appellant asks this Court to expand that contractual language far beyond its literal words, into a new area never before recognized under South Carolina law. Respondent would maintain that

the Court may wish to consider the illegibility or near-illegibility of the language to the extent that equities are relevant here. Respondent would further maintain that the words having been physically expanded to obtain fully legible status, the words should not be substantively expanded on top of that. See, e.g., State v. Sweat, 379 S.C. 367, 373-374, 665 S.E.2d 645, 649 (Ct. App. 2008) (citing Croft v. Old Republic Ins. Co., 365 S.C. 402, 408, 618 S.E.2d 909, 912 (2005)), aff'd as modified, 386 S.C. 339, 688 S.E.2d 569 (2010) (When addressing novel question of law, the appellate court is free to decide the question based on its assessment of which answer and reasoning would best comport with the law and public policies of this state and the court's sense of law, justice, and right.”)

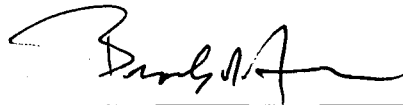
Moreover, the gist of Appellant’s Brief, the motivation behind its entire appeal, as Appellant acknowledges in its Brief, e.g., p. 8, is to impede the public’s ability to know about Appellant/Defendant’s unlawful practices. The Unfair Trade Practices Act requires a plaintiff to prove the defendant has performed the unlawful act before and/or can perform the unlawful act in the future. Appellant’s Br., p. 7 (citing Hollman v. Woolfson, 384 U.S. 571, 580, 683 S.E.2d 495, 499 (2009)). See also Wright v. Craft, 372 S.C. 1, 640 S.E.2d 486 (Ct. App. 2006) (similar). Appellant seeks the judiciary’s support in hiding its acts from the public. A related requirement of a SCUTPA claim is that the violation affects the public interest. Id. Appellant freely admits that it seeks to make it more difficult for the public to determine when the public interest has been violated. Appellant desires to make it difficult for the public to know what it has done after having made it difficult for the consumer to understand what she is being asked to agree to.

Respondent seeks to provide the Court a fuller and more complete understanding of the proceedings below. This would make sense as background material in most any case. Here, the appeal raises a question of law novel to this State. The appellate courts of South Carolina have

repeatedly stressed the importance of providing a full factual record, in cases raising novel questions of law, where development of that record may help shed light on the issues. E.g., Jackson v. Atlantic Soft Drink Co., 286 S.C. 577, 578-579, 336 S.E.2d 13, 14 (1985) (novel question under the South Carolina Unfair Trade Practices Act); State ex rel. McLeod v. Fritz Waidner Sports Cars, Inc., 274 S.C. 332, 333, 263 S.E. (2d) 384, 385 (1980); Schmidt v. Courtney, 357 S.C. 310, 318, 592 S.E.2d 326, 331 (Ct. App. 2003). Those decisions generally concern demurrers and the like, and they direct trial courts to err on the side of developing the record for appellate review. Here, there is no question of summary judgment. But the principle is the same. The record before the lower court is complete. Respondent simply seeks to provide that fuller and more complete record to the appellate court, so that it may, if it wishes, consider the fuller record in deciding this novel question of law.

Respectfully submitted,

September 9, 2012



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464  
Tel. (843) 416-2558  
eFax: (910) 401-1242  
BRF@Fudenberglaw.com  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

Case No.: 09-CP-18-111

RECEIVED  
SEP 12 2012  
Court of Appeals

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.

and Capital One Auto Finance, Inc.

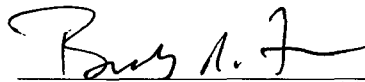
of whom Summerville-Ford-Mercury, Inc., is the

Appellant.

Proof of Service

I certify that I have served the foregoing motion for extension of time and Movant-Respondent's reply to Appellant's opposition to motion for extension of time on all parties by depositing copies of each in the United States Mail, postage prepaid, on September 10, 2012, addressed to Robert Reibold, Esq., Walker Reibold, Post Office Box 61140, Columbia SC 29260, attorney for Appellant Summerville Ford-Mercury, Inc., and to Michael Gruenloh, Esq., attorney for Capital One, at 9 Broad Street, Charleston, 29401.

September 10, 2012



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464  
Tel. (843) 416-2558  
eFax: (910) 401-1242  
BRF@Fudenberglaw.com

Attorney for Respondent

**LAW OFFICE OF BROOKS R. FUDENBERG**

1004 Anna Knapp Blvd., Suite 3  
Mt Pleasant, SC 29464  
Tel. (843) 416-2558  
BRF@Fudenberglaw.com

September 10, 2012

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

RECEIVED  
SEP 12 2012  
SC Court of Appeals

Re: Henderson, Diane, Respondent, v. Summerville Ford-Mercury, Inc., Appellant, 2009-CP-18-111

Dear Ms. Kitchings,

Please find enclosed an original and seven (7) copies of Respondent's (Movant's) Reply to Appellant's Opposition to Motion for Extension of Time in this case.

I would ask that you return a stamped copy in the enclosed self-addressed envelope.

Yours very truly,



Brooks R. Fudenberg  
Attorney for Respondent

cc: Robert Reibold, Esq.  
Michael Gruenloh, Esq.  
C. Steven Moskos, Esq

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

---

Case No. 2009-CP-18-00111

---

RECEIVED

SEP 11 2012

SC Court of Appeals

Diane R. Henderson ..... Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.,

Of whom Summerville Ford-Mercury, Inc. is the ..... Appellant.

---

APPELLANT'S MEMORANDUM OF LAW IN  
OPPOSITION TO FOURTH MOTION FOR CONTINUANCE

---

Respondent's initial brief and designation were initially due on June 10, 2012. This deadline has been extended first to July 11, 2012, then to August 10, 2012, and then to September 10, 2012. Respondent now seeks a fourth extension of this deadline, for another thirty days, and potentially longer.

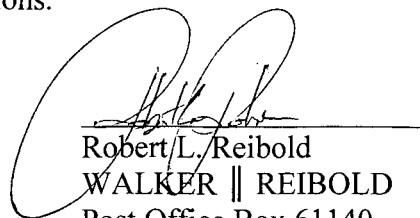
Respondent's motion should be denied. The core issue in the instant appeal is discrete – should the trial judge should have confirmed an arbitration award when that award had already been fully paid, mooting any need for further proceedings. The motion to confirm the arbitration award was heard on August 1, 2011 before the

Honorable Edgar Dickson. The trial court confirmed the award on January 6, 2012. Appellant appealed only the order confirming the arbitration award. No cross appeal was filed.

Respondent does not seek additional time to obtain a transcript of the hearing on the motion to confirm. As required by applicable rule, Appellant long ago obtained a copy of that transcript. Respondent instead seeks additional time to obtain a transcript of a "prior hearing." That prior hearing involved the initial decision on Appellant's motion to compel arbitration. It occurred more than three years ago. The Honorable James C. Williams, Jr. compelled arbitration by order dated June 21, 2009. That order was not appealed, and the matter was arbitrated.

Pursuant to Rule 210(c), SCACR, the prior transcript cannot be made a part of the Record on Appeal or considered by the Appellate Court. Judge Dickson was not a party to the hearing on the initial motion to compel arbitration. The transcript of the initial hearing was neither submitted to nor considered by Judge Dickson. The deadline to appeal any issues related to the initial hearing has long since passed.

Because the transcript of the prior hearing cannot be submitted in this appeal, there is no point in further delaying proceedings in this appeal to obtain it, and Respondent has been given three prior extensions.



Robert L. Reibold  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955

ATTORNEY FOR APPELLANT

**WALKER || REIBOLD**  
ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

(803)454-0955  
Fax (803)454-0956

September 7, 2012

**VIA FACSIMILE (803) 734-1839 AND USPS**

The Hon. Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

RECEIVED

SEP 11 2012

SC Court of Appeals

RE: Diane R. Henderson f/k/a Diane Reed vs. Summerville Ford-Mercury, Inc.  
C. A. No. 2009 CP 18-111

Dear Ms. Kitchings:

Please find the attached Appellant's Memorandum of Law in Opposition to Fourth Motion for Continuance. I am sending the original and one copy via the U.S. Postal Service today for filing. By copy of this letter I am serving all counsel via the same.

Thank you for your assistance.

Sincerely,



Janet Wrye  
Paralegal

/jrw

Enc.

cc C. Steven Moskos, Esq. via facsimile and USPS  
Brooks R. Fudenburg, Esq. via facsimile and USPS  
Michael Gruehloh, Esq. via facsimile and USPS

65501

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

Case No.: 09-CP-18-111

RECEIVED  
SEP 10 2012  
SC Court of Appeals

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

Motion for Extension of Time

Respondent, Diane R. Henderson, respectfully requests an extension of time to file her initial brief in this matter. The brief would otherwise be due September 10.

This is Respondent's fourth request for an extension of time. Respondent's third request for an extension of time, the first by Respondent's current appellate counsel, was to enable Respondent to obtain the transcript of a prior hearing in this case. The Court granted that Motion by Order of August 15, 2012. The transcript has not yet been prepared. However, Respondent has been in communication with the Court reporter, who states that she received Respondent's

4th  
9/10  
10/24

written request on August 10, which would give her until October 9 to complete the transcript. Respondent respectfully requests an extension until 15 days after October 9, i.e., until October 24, 2012.

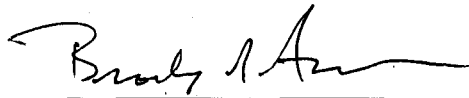
If the Court is amenable, Respondent would further request that the Clerk of Court be authorized to provide additional extensions in the event the Office of Court Administration grants the court reporter additional time to complete the transcript.

Counsel for Respondent has communicated with all counsel in this case, and Capital One has no objection but Summerville Ford-Mercury does.

Respondent respectfully further requests that time be tolled until the Court acts on this motion.

Respectfully submitted,

September 7, 2012



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464  
Tel. (843) 416-2558  
eFax: (910) 401-1242  
BRF@Fudenberglaw.com  
Attorney for Respondent



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

September 17, 2012

Mr. Robert Lawrence Reibold  
PO Box 61140  
Columbia SC 29260

Re: Henderson v. Summerville Ford-Mercury  
Appellate Case No. 2012-207606

Dear Counsel:

Upon reviewing your memorandum of law in opposition to fourth motion for continuance, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: C. Steven Moskos  
Brooks Roberts Fudenberg

**WALKER || REIBOLD**  
ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

(803)454-0955  
Fax (803)454-0956

September 18, 2012

The Hon. Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

RE: Diane R. Henderson f/k/a Diane Reed vs. Summerville Ford-Mercury, Inc.  
C. A. No. 2009 CP 18-111

Dear Ms. Kitchings:

Per your letter dated September 17, 2012 I have enclosed my Proof of Service in the referenced matter. I have also enclosed the original Memorandum and one copy to be filed and returned via the pre-paid self-addressed envelope provided.

Thank you for your assistance. Please contact me with any questions or concerns. I am

Very Truly Yours,

  
Janet Wrye  
Paralegal

/jrw  
Enclosures

**RECEIVED**  
SEP 20 2012  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
Common Pleas Court

The Honorable Edgar Warren Dickson

---

Case No. 2009 CP 18-111

---

Diane R. Henderson F/K/A Diane M. Reed,                      Respondent

vs.

Summerville Ford-Mercury Inc. and Capital One      Defendants,  
Auto Finance, Inc.,

Of whom, Summerville Ford-Mercury Inc. is              Appellant

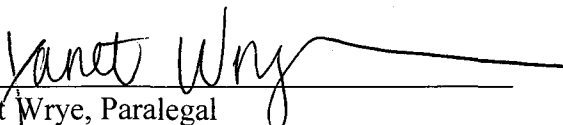
---

PROOF OF SERVICE

---

I certify that I have served Appellant's Memorandum of Law in Opposition to Fourth Motion for Continuance on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on September 7, 2012, addressed to her attorney of record C. Steven Moskos, 535 Stinson Drive, Charleston, South Carolina 29407.

September 18, 2012

  
\_\_\_\_\_  
Janet Wrye, Paralegal  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955

**OTHER COUNSEL OF RECORD:**

Brooks R. Fudenburg  
1004 Anna Knapp Blvd., Ste. 3  
Mt. Pleasant, SC 29464

Michael Gruehloh  
9 Broad Street, Ste. C  
Charleston, SC 29401

# The South Carolina Court of Appeals

Diane R. Henderson F/K/A Diane M. Reed, Respondent,

v.

Summerville Ford-Mercury Inc. and Capital One Auto  
Finance, Inc., Defendants,

Of whom Summerville Ford-Mercury Inc. is the  
Appellant.

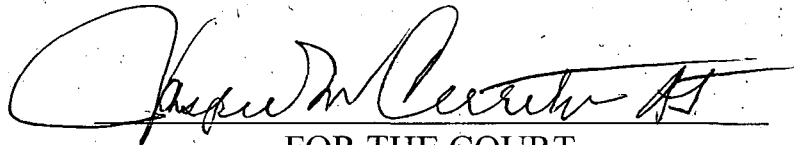
Appellate Case No. 2012-207606

---

## ORDER

---

After careful consideration, Respondent's motion for an extension is granted. Respondent shall serve and file Respondent's Initial Brief and Designation of Matter within thirty days. No further extensions will be granted absent a showing of extraordinary circumstances.

  
FOR THE COURT

Columbia, South Carolina

cc:

Robert Lawrence Reibold  
C. Steven Moskos  
Brooks Roberts Fudenberg

**FILED**

10/26/12 JLF

**C. STEVEN MOSKOS, P.A.**

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
By the National Board of Trial Advocacy  
Board Certified Civil Mediator

535 Stinson Drive  
Charleston, SC 29407

Telephone: 843-763-5297 • Facsimile: 843-266-1925  
Website: www.moskoslaw.com  
E-mail: csmoskos@earthlink.net

October 19, 2012

**RECEIVED**

NOV 1 2012

**SC Court of Appeals**

Harry A. Walker  
PO Box 127  
Rowesville, SC 29133-0127

**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**  
**Case No: 09-CP-18-111**

Dear Ms. Walker:

Please be advised that I represent Diane Henderson, formerly known as Diane Reed, regarding the above referenced case. You were the court reporter for a motion hearing before Judge Williams on June 1, 2009 regarding the above case. On August 8, 2012, I requested the transcript from that hearing. I am trying to find out the status of the transcript. Please let me know as soon as possible.

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

Sincerely,



**C. STEVEN MOSKOS**  
CSM/ami

cc: Brooks Fudenberg  
Diane Henderson

**C. STEVEN MOSKOS, P.A.**

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
By the National Board of Trial Advocacy  
Board Certified Civil Mediator

M

535 Stinson Drive  
Charleston, SC 29407

Telephone: 843-763-5297 • Facsimile: 843-266-1925

Website: www.moskoslaw.com

E-mail: csmoskos@earthlink.net

October 22, 2012

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

**RECEIVED**

NOV 1 2012

**SC Court of Appeals**

**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**

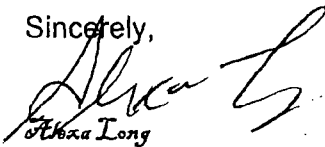
**Case No: 09-CP-18-111**

Dear Madam Kitchings:

Please find enclosed two (2) copies of the letter sent to Harry A. Walker regarding the above referenced matter. I would ask that you return a filed copy of the letter in the self addressed envelope provided for you convenience.

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

Sincerely,



*Alexa Long*

*Legal Assistant to*

**C. STEVEN MOSKOS**

CSM/aml

**RECEIVED**

OCT 31 2012

**S.C. SUPREME COURT**

# C. STEVEN MOSKOS, P.A.

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
By the National Board of Trial Advocacy  
Board Certified Civil Mediator

M

535 Stinson Drive  
Charleston, SC 29407

Telephone: 843-763-5297 • Facsimile: 843-266-1925

Website: [www.moskoslaw.com](http://www.moskoslaw.com)

E-mail: [csmoskos@earthlink.net](mailto:csmoskos@earthlink.net)

October 22, 2012

RECEIVED

OCT 29 2012

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

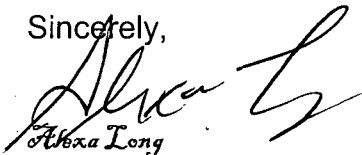
**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**  
**Case No: 09-CP-18-111**

Dear Madam Kitchings:

Please find enclosed two (2) copies of the letter sent to Harry A. Walker regarding the above referenced matter. I would ask that you return a filed copy of the letter in the self addressed envelope provided for you convenience.

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

Sincerely,



*Alexa Long*

*Legal Assistant to*

**C. STEVEN MOSKOS**

CSM/aml

**C. STEVEN MOSKOS, P.A.**

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
By the National Board of Trial Advocacy  
Board Certified Civil Mediator

535 Stinson Drive  
Charleston, SC 29407

M

Telephone: 843-763-5297 • Facsimile: 843-266-1925  
Website: www.moskoslaw.com  
E-mail: csmoskos@earthlink.net

**RECEIVED**

October 19, 2012

OCT 29 2012

Harry A. Walker  
PO Box 127  
Rowesville, SC 29133-0127

**SC Court of Appeals**

**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**  
**Case No: 09-CP-18-111**

Dear Ms. Walker:

Please be advised that I represent Diane Henderson, formerly known as Diane Reed, regarding the above referenced case. You were the court reporter for a motion hearing before Judge Williams on June 1, 2009 regarding the above case. On August 8, 2012, I requested the transcript from that hearing. I am trying to find out the status of the transcript. Please let me know as soon as possible.

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

Sincerely,



**C. STEVEN MOSKOS**  
CSM/ami

cc: Brooks Fudenberg  
Diane Henderson

# C. STEVEN MOSKOS, P.A.

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
Board Certified Civil Pretrial Advocate  
By the National Board of Trial Advocacy  
Board Certified Circuit Court Mediator

535 Stinson Drive  
Charleston, SC 29407  
Telephone: 843-763-5297  
Facsimile: 843-266-1925  
www.moskoslaw.com  
csmoskos@earthlink.net

November 8, 2012

Harry A. Walker  
PO Box 127  
Rowesville, SC 29133-0127

**RECEIVED**

NOV 15 2012

**SC Court of Appeals**

**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**  
**Case No: 09-CP-18-111**

Dear Ms. Walker:

Please be advised that I represent Diane Henderson, formerly known as Diane Reed, regarding the above referenced case. You were the court reporter for a motion hearing before Judge Williams on June 1, 2009 regarding the above case. On August 8, 2012, I requested the transcript from that hearing. I am trying to find out the status of the transcript. Approximately, ten days ago, you left a message at my office that you would be working on the transcript. I still have not received it. I left a message on your voice mail today inquiring about the status of the transcript. Please let me know as soon as possible when I will receive it. Please note that we have received notice from the Court of Appeals that we will not receive any more extensions to prepare our brief. Obviously, if we do not get this transcript, our appeal may be severely prejudiced.

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

Sincerely,



**C. STEVEN MOSKOS**  
CSM/aml

cc: Clerk, SC Court of Appeals  
SC Court Administration  
Brooks Fudenberg, Esq.  
Robert Reibold, Esq.  
Michael Gruenloh, Esq.  
Diane Henderson

**C. STEVEN MOSKOS, P.A.**

Attorney and Counselor at Law

C. Steven Moskos  
Board Certified Civil Trial Attorney  
Board Certified Civil Pretrial Advocate  
By the National Board of Trial Advocacy  
Board Certified Circuit Court Mediator



535 Stinson Drive  
Charleston, SC 29407  
Telephone: 843-763-5297  
Facsimile: 843-266-1925  
www.moskoslaw.com  
csmoskos@earthlink.net

November 20, 2012

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

**Re: Henderson v. Summerville Ford-Mercury, Inc. and Capital One Auto Finance, Inc.**  
**Case No: 09-CP-18-111**

Dear Ms. Kitchings,

Please find enclosed an original and seven (7) copies of Respondent's Motion to Extend Time in this case, proof of service, and a check in the amount of \$25.00 as the filing fee.

Please return a filed copy of my motion in the self addressed stamped envelope provided for your convenience.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Steven Moskos', written over a horizontal line.

**C. STEVEN MOSKOS**

CSM/aml

cc: Robert Reibold, Esq.  
Michael Gruenloh, Esq.  
Brooks Fudenberg, Esq.  
Diane Henderson

**RECEIVED**

NOV 26 2012

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

NOV 26 2012

SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

Case No.: 09-CP-18-111

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.


of whom Summerville Ford-Mercury, Inc., is the

Appellant.

PROOF OF SERVICE

I certify that I have served the Respondent's Motion for Extension on Summerville Ford-Mercury, Inc. by depositing a copy of it in the United States Mail, postage prepaid, on November 20, 2012, addressed to its attorney of record, Robert Reibold, P. O. Box 61140, Columbia, SC 29260 and a copy of said motion on Capital One Auto Finance, Inc. by depositing a copy of it in the United States Mail, postage prepaid, on November 20, 2012, addressed to its attorney of record, William Michael Gruenloh, 9 Broad Street Charleston, SC 29401.

November 20, 2012

  
G. Steven Moskos  
535 Stinson Drive  
Charleston, SC 29407  
Telephone: (843) 763-5297  
Attorney for the Respondent

66-351

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

NOV 26 2012

SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

Case No.: 09-CP-18-111

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

Motion for Extension of Time

Respondent, Diane R. Henderson, respectfully requests an extension of time to file her initial brief. Respondent is aware that in granting her previous request, which was intended to allow her to obtain a transcript, the Court stated that additional extensions would be granted only under exceptional circumstances. Respondent believes that exceptional circumstances exist in that, on information and belief, due to severe illness of the court reporter, the transcript requested on August 8, 2012 was not received by

11/26  
12/28

Respondent's counsel until Monday the 19th of November.

The Thanksgiving holiday begins Wednesday, November 21, and, at present, the Respondent's Brief would be due the Monday immediately following the holiday. Additionally, Respondent's counsel, Brooks Fudenberg, has a memorandum of law due on Monday November 26 in Federal Court.

There is simply insufficient time to prepare a quality brief.

Respondent would therefore, ask that the Court of Appeals grant an extension of time for the Respondent to file her initial responsive brief.

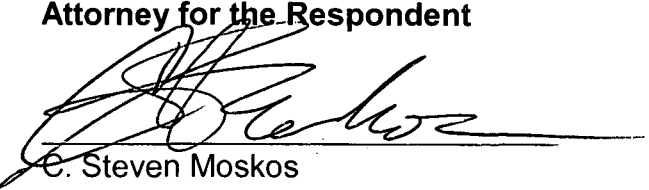
Counsel for Respondent has communicated with all counsel in this case. Capital One has no objection to Respondent's motion, however, Summerville Ford-Mercury will not consent.

Respondent respectfully further requests that time be tolled until the Court acts on this motion.

Respectfully submitted,

**C. STEVEN MOSKOS, P.A.**  
**Attorney for the Respondent**

BY:

  
C. Steven Moskos  
535 Stinson Drive  
Charleston, SC 29407  
Telephone: (843) 763-5297

Charleston, South Carolina  
November 20, 2012

# WALKER || REIBOLD

ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

(803)454-0955

Fax (803)454-0956

RWALKER@WALKERREIBOLD.NET

December 10, 2012

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

RE: Diane R. Henderson vs. Summerville Ford-Mercury, et al  
C.A. No.: 2009-CP-18-00111

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of the Appellant's Memorandum of Law in Opposition to Fifth Motion for Continuance in the above referenced matter, along with my Certificate of Service. Please return a clocked copy in the self-addressed envelope provided. By copy of this letter I am serving all counsel of record.

Thank you for your assistance.

Sincerely,



Annie Walker  
Legal Assistant

/raw  
Enclosures

cc C. Steven Moskos, Esq.  
Brooks R. Fudenberg, Esq.  
Michael Gruenloh, Esq.

RECEIVED

DEC 12 2012

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
Common Pleas Court

The Honorable Edgar Warren Dickson

Case No. 2009 CP 18-111

RECEIVED  
DEC 12 2012  
SC Court of Appeals

Diane R. Henderson F/K/A Diane M. Reed, Respondent

vs.

Summerville Ford-Mercury Inc. and Capital One Defendants,  
Auto Finance, Inc.,

Of whom, Summerville Ford-Mercury Inc. is Appellant

PROOF OF SERVICE

I certify that I have served Appellant's Memorandum of Law in Opposition to Fifth Motion for Continuance on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on December 10, 2012, addressed to all counsel: C. Steven Moskos, Esq. 535 Stinson Drive, Charleston, South Carolina 29407; Brooks R. Fudenberg, Esq. 1004 Anna Knapp Blvd., Ste. 3, Mt. Pleasant, SC 29464; Michael Gruenloh, Esq. 9 Broad Street, Ste. C Charleston, SC 29401.

December 10, 2012



Annie Walker, Legal Assistant  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

---

Case No. 2009-CP-18-00111

---

**RECEIVED**  
DEC 12 2012  
**SC Court of Appeals**

Diane R. Henderson ..... Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.,

Of whom Summerville Ford-Mercury, Inc. is the ..... Appellant.

---

APPELLANT'S MEMORANDUM OF LAW IN  
OPPOSITION TO FIFTH MOTION FOR CONTINUANCE

---

Respondent's initial brief and designation were initially due on June 10, 2012.

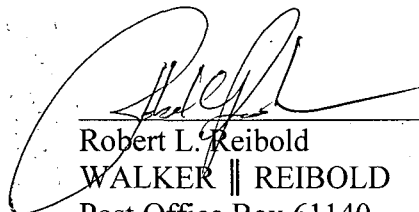
This deadline has been extended first to July 11, 2012, then to August 10, 2012, then to September 10, 2012, and finally to November 26, 2012. With the granting of the fourth extension, the court noted that "[n]o further extensions will be granted without a showing of extraordinary circumstances."

Respondent now seeks a fifth extension of this deadline. This request should be denied. Respondent has not demonstrated extraordinary circumstances for two reasons. First, the transcript to which Respondent refers in her motion is not the transcript of the

hearing which is the subject of this appeal. It is a transcript of another hearing in the same case, which occurred before a different judge, was not appealed, and was not considered by Judge Dickson in the matter on appeal.<sup>1</sup> The transcript cannot be included in the Record on Appeal, and briefing of this appeal should not be delayed to allow for review of material which cannot be considered on appeal.

Second, while the workload of Respondents' counsel is certainly a circumstance which bears consideration, it is not an extraordinary circumstance in this case. Respondent's initial brief was initially due on June 10, 2012. Respondent has now had almost seven months to prepare her initial brief.

Appellant respectfully requests that Respondent's motion be denied.



Robert L. Reibold  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955

ATTORNEY FOR APPELLANT

December 10, 2012

---

<sup>1</sup> Appellant objects to the inclusion of this transcript in the Record on Appeal. It was not considered by the judge whose decision has been appealed. If Respondent designates any portion of this transcript for inclusion in the record, Appellant will be unable to certify that the transcript contains no matter which is irrelevant to this appeal.

**LAW OFFICE OF BROOKS R. FUDENBERG**

1004 Anna Knapp Blvd., Suite 3  
Mt Pleasant, SC 29464  
Tel. (843) 416-2558  
BRF@Fudenberglaw.com

December 26, 2012

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

Re: Henderson, Diane, Respondent, v. Summerville Ford-Mercury, Inc., Appellant,  
Case No: 2012-207606

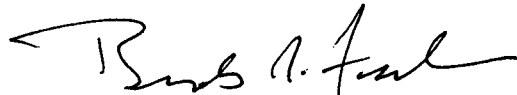
Dear Ms. Kitchings,

Please find enclosed an original for filing of:

- Respondent's Initial Brief
- Respondent's Designation of Matter
- Rule 209 Certification
- Proof of Service re: the foregoing.

Also please find enclosed a copy of each, which I would ask that you stamp and return in the enclosed envelope.

Yours very truly,



Brooks R. Fudenberg  
Attorney for Respondent

cc: Robert Reibold, Esq.  
Michael Gruenloh, Esq.  
C. Steven Moskos, Esq.

**RECEIVED**  
DEC 31 2012  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Edgar Warren Dickson, Circuit Court Judge

Case No.: 09-CP-18-111

RECEIVED

DEC 31 2012

SC COURT OF APPEALS

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

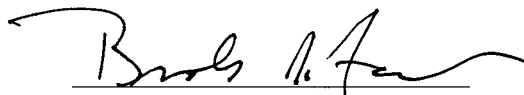
Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

Proof of Service

I certify that I have served the foregoing Initial Brief of Respondent, Respondent's Designation of Matter to be Included in the Record on Appeal, and Respondent's Rule 209 certificate, by placing a copy of each in the U.S. Mail, proper postage pre-paid, addressed to: Robert Reibold, Esq., Walker Reibold, Post Office Box 61140, Columbia SC 29260, attorney for Appellant Summerville Ford-Mercury, Inc., and to Michael Gruenloh, Esq., attorney for Capital One, at 9 Broad Street, Charleston, 29401.



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464

Attorney for Respondent

December 26, 2012  
Mount Pleasant, SC

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Edgar Warren Dickson, Circuit Court Judge

RECEIVED

DEC 31 2012

SC Court of Appeals

Case No.: 09-CP-18-111

Appellate Case No: 2012-207606

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

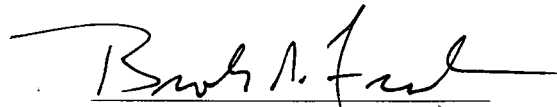
Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

RULE 209(C) CERTIFICATION

I certify that Respondent's Designation of Matter to be included in the record on appeal contains no matter which is irrelevant to the appeal.



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464  
(843) 416-2558  
BRF@Fudenberglaw.com  
Attorney for Respondent

December 26, 2012  
Mount Pleasant, SC

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Edgar Warren Dickson, Circuit Court Judge

Case No.: 09-CP-18-111  
Appellate Case No: 2012-207606

Diane R. Henderson f/k/a Diane M. Reed,

Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.

of whom Summerville Ford-Mercury, Inc., is the

Appellant.

RESPONDENT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

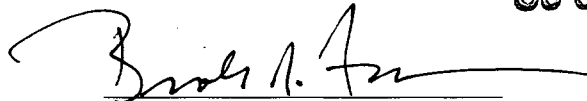
Respondent, Diane Henderson, designates the following matter to be included in the  
Record on Appeal:

1. Contract as handed up to the Judge;
2. Transcript Hr'g Motion to Compel Arbitration, p. 3.

RECEIVED

DEC 31 2012

SC Court of Appeals



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg  
1004 Anna Knapp Blvd., Suite 3  
Mt. Pleasant, SC 29464

Attorney for Respondent

December 26, 2012  
Mount Pleasant, SC

# WALKER || REIBOLD

ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

(803)454-0955

Fax (803)454-0956

JWRYE@WALKERREIBOLD.NET

January 6, 2013

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

RE: Diane R. Henderson vs. Summerville Ford-Mercury, et al  
C/A. No.: 2009-CP-18-00111

Dear Ms. Kitchings:

Enclosed please find an original and one copy of the Supplemental Designation of Matter to be Included in the Record on Appeal and the Reply Brief of Appellant in the above referenced matter, and our Proof of Delivery. Please return a clocked copy in the self-addressed envelope provided. By copy of this letter, I am serving counsel of record.

Thank you for your assistance.

Sincerely,



Janet Wrye  
Paralegal

/jrw  
Enclosures

cc C. Steven Moskos, Esq.  
Brooks R. Fudenberg, Esq.

**RECEIVED**

JAN 09 2013

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
Common Pleas Court

The Honorable Edgar Warren Dickson

---

Case No. 2009 CP 18-111

---

Diane R. Henderson F/K/A Diane M. Reed, Respondent

vs.

Summerville Ford-Mercury Inc. and Capital One Defendants,  
Auto Finance, Inc.,

Of whom, Summerville Ford-Mercury Inc. is Appellant

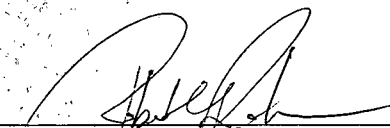
---

PROOF OF DELIVERY

---

I certify that I have served Appellant's Supplemental Designation of Matter to Be Included in the Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on January 6, 2013, addressed to her attorneys of record: C. Steven Moskos, 535 Stinson Drive, Charleston, South Carolina 29407 and Brooks R. Fudenberg, 1004 Anna Knapp Blvd., Ste. 3, Mt. Pleasant, SC 29464.

January 6, 2013

  
Robert L. Reibold  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955  
ATTORNEYS FOR APPELLANT

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar Warren Dickson, Circuit Court Judge

---

Case No. 2009-CP-18-00111

---

Diane R. Henderson ..... Respondent,

v.

Summerville Ford-Mercury, Inc.  
and Capital One Auto Finance, Inc.,

Of whom Summerville Ford-Mercury, Inc. is the ..... Appellant.

---

SUPPLEMENTAL DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

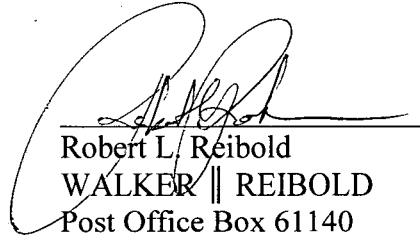
---

In addition to the materials previously identified, Appellant proposes that the following be include in the Record on Appeal:

1. Complaint;
2. Motion to Confirm Arbitration Award.

**RECEIVED**  
JAN 09 2013  
SC Court of Appeals

I certify that this designation contains no matter which is irrelevant to this appeal.

A handwritten signature in black ink, appearing to read 'R. Reibold', is written over a horizontal line.

Robert L. Reibold  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955

ATTORNEY FOR APPELLANT

January 6, 2013

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
Common Pleas Court

The Honorable Edgar Warren Dickson

---

Case No. 2009 CP 18-111

---

Diane R. Henderson F/K/A Diane M. Reed,                      Respondent

vs.

Summerville Ford-Mercury Inc. and Capital One      Defendants,  
Auto Finance, Inc.,

Of whom, Summerville Ford-Mercury Inc. is              Appellant

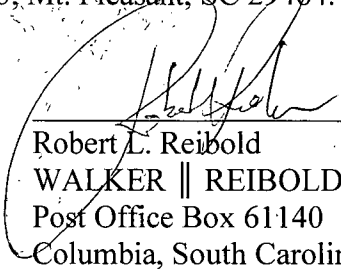
---

PROOF OF DELIVERY

---

I certify that I have served Appellant's Reply Brief on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on January 6, 2013, addressed to her attorneys of record: C. Steven Moskos, 535 Stinson Drive, Charleston, South Carolina 29407 and Brooks R. Fudenberg, 1004 Anna Knapp Blvd., Ste. 3, Mt. Pleasant, SC 29464.

January 6, 2013

  
\_\_\_\_\_  
Robert L. Reibold  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955  
ATTORNEYS FOR APPELLANT

RECEIVED  
JAN 09 2013  
SC Court of Appeals

# The South Carolina Court of Appeals

Diane R. Henderson F/K/A Diane M. Reed, Respondent,

v.

Summerville Ford-Mercury Inc. and Capital One Auto  
Finance, Inc., Defendants,

Of whom, Summerville Ford-Mercury Inc. is the  
Appellant.

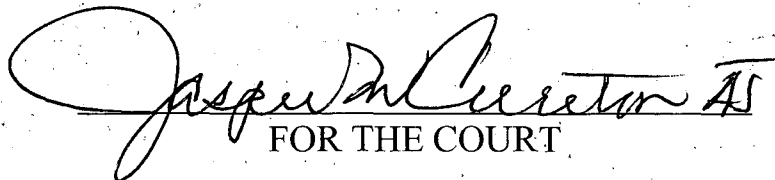
Appellate Case No. 2012-207606

---

## ORDER

---

Respondent has filed a fifth motion for an extension to serve and file Respondent's initial brief and designation of matter. This court previously stated that no further extensions would be granted absent a showing of extraordinary circumstances. In Respondent's motion, Respondent asserted exceptional circumstances existed because of the severe illness of the court reporter, causing a delay in the receipt of the transcript. Respondent's motion for an extension is granted. Respondent shall serve and file Respondent's initial brief and designation of matter by January 28, 2013. If Respondent does not serve and file the brief by January 28, Respondent must file a motion requesting this court to accept the brief out of time.

  
FOR THE COURT

Columbia, South Carolina

cc:

Robert Lawrence Reibold  
C. Steven Moskos  
Brooks Roberts Fudenberg

FILED

  
1-16-13

# WALKER || REIBOLD

ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

(803)454-0955

Fax (803)454-0956

February 5, 2013

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

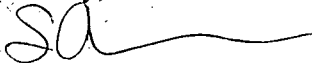
RE: Diane R. Henderson vs. Summerville Ford-Mercury, et al  
C/A No.: 2009-CP-18-00111

Dear Ms. Kitchings:

Enclosed please find the original and one copy of Proof of Service for Record on Appeal. Please return a clocked copy in the self-addressed envelope provided. By copy of this letter I am serving all counsel of record.

Thank you for your assistance.

Sincerely,



Stephanie Ammons  
Legal Assistant

/sma

Enclosures

cc C: Steven Moskos, Esq.  
Brooks R. Fudenberg, Esq.

FEB 07 2013

SC COURT OF APPEALS

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
Common Pleas Court

The Honorable Edgar Warren Dickson

Case No. 2009-CP-18-111

Diane R. Henderson F/K/A Diane M. Reed, Respondent

vs.

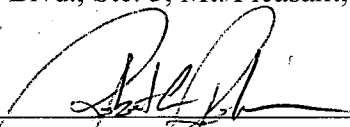
Summerville Ford-Mercury Inc. and Capital One Defendants,  
Auto Finance, Inc.,

Of whom, Summerville Ford-Mercury Inc. is Appellant

PROOF OF DELIVERY

I certify that I have served the Record on Appeal on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on February 5, 2013, addressed to her attorney of record: Brooks R. Fudenberg, 1004 Anna Knapp Blvd., Ste. 3, Mt. Pleasant, SC 29464.

February 5, 2013

  
Robert L. Reibold  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955  
ATTORNEYS FOR APPELLANT

RECEIVED

FEB 07 2013

COURT OF APPEALS

# WALKER || REIBOLD

ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

Stephanie Ammons

(803)454-0955  
Fax (803)454-0956  
sammons@walkerreibold.net  
Reply to Columbia Office

February 25, 2013

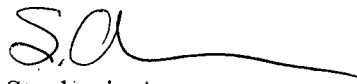
The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Diane R. Henderson vs. Summerville Ford-Mercury, et al  
C/A No.: 2009-CP-18-00111

Dear Ms. Kitchings:

Enclosed please find 14 bound copies and 1 unbound original copy of the Reply Brief of Appellant and Brief of Appellant for filing each with the Court of Appeals in the above referenced matter. Thank you for your assistance.

Sincerely,



Stephanie Ammons  
Legal Assistant

/sma  
Enclosures

cc w/o Enclosures: C. Steven Moskos, Esq.  
Brooks R. Fudenberg, Esq.

RECEIVED  
FEB 27 2013  
SC COURT OF APPEALS

# WALKER || REIBOLD

ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

Stephanie Ammons

(803)454-0955  
Fax (803)454-0956  
sammons@walkerreibold.net  
Reply to Columbia Office

February 25, 2013

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

RE: Diane R. Henderson vs. Summerville Ford-Mercury, et al  
C/A No.: 2009-CP-18-00111

Dear Ms. Kitchings:

Enclosed please find the original and one copy of Proof of Service for Reply Brief of Appellant and Brief of Appellant, Certificate of Counsel for Reply Brief of Appellant, and Certificate of Counsel for Brief of Appellant. Please return a clocked copy of each in the self-addressed envelope provided. By copy of this letter I am serving all counsel of record.

Thank you for your assistance.

Sincerely,



Stephanie Ammons  
Legal Assistant

/sma  
Enclosures

cc C. Steven Moskos, Esq.  
Brooks R. Fudenberg, Esq.

RECEIVED  
FEB 27 2013  
SC COURT OF APPEALS

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
Common Pleas Court

The Honorable Edgar Warren Dickson

Case No. 2009-CP-18-111

Diane R. Henderson F/K/A Diane M. Reed, Respondent

vs.

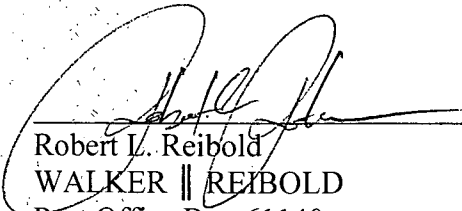
Summerville Ford-Mercury Inc. and Capital One Defendants,  
Auto Finance, Inc.,

Of whom, Summerville Ford-Mercury Inc. is Appellant

PROOF OF DELIVERY

I certify that I have served the Reply Brief of Appellant and Brief of Appellant on Respondent by depositing 3 copies of each in the United States Mail, postage prepaid, on February 25, 2013, addressed to her attorney of record: Brooks R. Fudenberg, 1004 Anna Knapp Blvd., Ste. 3, Mt. Pleasant, SC 29464.

February 25, 2013



Robert L. Reibold  
WALKER || REIBOLD  
Post Office Box 61140  
Columbia, South Carolina 29260  
(803) 454-0955  
ATTORNEYS FOR APPELLANT

**RECEIVED**  
FEB 27 2013  
SC Court of Appeals

**LAW OFFICE OF BROOKS R. FUDENBERG**

1004 Anna Knapp Blvd., Suite 3

Mt Pleasant, SC 29464

Tel. (843) 416-2558

BRF@FudenbergLaw.com

February 24, 2013

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

Re: Henderson, Diane, Respondent, v. Summerville Ford-Mercury, Inc., Appellant  
Appellate Case No: 2012-207606

Dear Ms. Kitchings,

Please find enclosed:

- the original, unbound Final Brief of Respondent
- 14 bound copies of the same
- Respondent's Rule 211(b) certification
- Respondent's Proof of Service
- a copy of this letter and the Proof of Service
- a stamped return envelope.

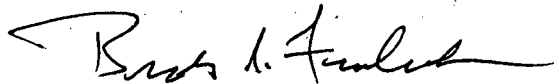
**RECEIVED**

FEB 26 2013

**SC Court of Appeals**

I would appreciate your returning a stamped copy of this letter and the Proof of Service in the enclosed envelope.

Yours very truly,



Brooks R. Fudenberg  
Attorney for Respondent

cc: Robert Reibold, Esq.  
C. Steven Moskos, Esq.

# WALKER || REIBOLD

ATTORNEYS AT LAW

3321 Forest Drive Suite One, PO Box 61140 Columbia, SC 29260

Stephanie Ammons

(803)454-0955  
Fax (803)454-0956  
sammons@walkerreibold.net  
Reply to Columbia Office

February 25, 2013

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

RE: Diane R. Henderson vs. Summerville Ford-Mercury, et al  
C/A No.: 2009-CP-18-00111

Dear Ms. Kitchings:

Enclosed please find 14 bound copies and 1 unbound original copy of the Record on Appeal for filing with the Court of Appeals in the above referenced matter.

Sincerely,



Stephanie Ammons  
Legal Assistant

/sma  
Enclosures

cc w/o Enclosures: C. Steven Moskos, Esq.  
Brooks R. Fudenberg, Esq.

RECEIVED

FEB 27 2013

SC Court of Appeals