

RECEIVED

MAR 18 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

appellate case number: 2020-001150

Josh Hawkins..... Appellant,

v.

American Airlines, The Qantas Group d/b/a
Qantas Airlines, Expedia, and Travel Guard
Insurance, Defendants

of which American Airlines and Expedia are the.....Respondents.

MOTION OF RESPONDENT EXPEDIA, INC.
TO SUPPLEMENT THE RECORD ON APPEAL
AND EXTEND THE DEADLINE FOR EXPEDIA, INC.
TO FILE ITS FINAL BRIEF UNTIL SUCH TIME AS THE RECORD IS SETTLED

William S. F. Freeman (S.C. Bar #16676)
Palmer Freeman (S.C. Bar #2132)
FREEMAN & FREEMAN LLC
Post Office Box 383
Greenville, South Carolina 29602
telephone: (864) 478-8878
email: william@freemanfreemanlaw.com

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel for Respondent Expedia, Inc. (incorrectly denominated by the Appellant as “Expedia”) (hereinafter “Expedia”) hereby moves this Court for the relief set forth herein.

This matter is before this Court on the appeal of Josh Hawkins, the Plaintiff below and the Appellant before this Court (hereinafter “Mr. Hawkins”). Following a hearing in the Court of Common Pleas, the Trial Court issued a judgment dismissing Expedia from the litigation. At the hearing in question, the Trial Court had before it a motion, memorandum, and affidavit filed by Expedia.

Expedia’s Designation Of Matter To Be Included In The Record On Appeal was filed on December 18, 2020 (hereinafter the “Designation”). The Designation specifically identified said motion, memorandum, and affidavit as items to be included in the Record On Appeal for this case (the “Record”). In particular, Expedia’s ninth matter in the Designation was as follows: “Expedia’s Memorandum In Support Of Its Motion To Compel Arbitration And Dismiss and Affidavit of Sibel Abreu, with Exhibit, filed July 15, 2020.”

The Index to the Record filed by Mr. Hawkins on February 5, 2021 tracks this language and provides that the Record includes the following: “Expedia’s Memorandum in Support of Its Motion to Compel Arbitration and Dismiss and Affidavit of Sibel Abreu, with Exhibit, filed July 15, 2020,” starting at page 46.

However, due to what appears to be an inadvertent scriveners’ omission, the affidavit of Sibel Abreu was omitted from the Record filed with this Court. The affidavit in question was specifically accepted, referenced, and relied upon by the Trial Court. It is

cited in Expedia's Initial Brief and constitutes an important document for Expedia's case. Its absence would harm Expedia's ability to support its position on appeal. Expedia specifically identified the affidavit and is entitled to have it be included in the Record under the applicable jurisprudence, especially Rule 209, SCACR.

Expedia sought additional time to correct this omission and thereafter file its Final Brief. Since identifying the issue, counsel for Expedia has called and written counsel for the Appellant regarding the omission in an effort to resolve the matter by consent. As of the filing of this motion, Expedia has not received a response.

Expedia hereby moves this Court for an Order permitting the Record on Appeal to be supplemented with the attached pages, which represents a complete copy of all the documents identified in the ninth item of Expedia's Designation.

Expedia further moves this Court for a second extension of time to file its Final Brief. Expedia respectfully requests the deadline be moved to seven (7) days after the Court issues any Order with respect to Expedia's above motion to correct the omission from the Record. This will provide Expedia with sufficient time to electronically file its Final Brief with correct citations.

Respectfully submitted,

Greenville, South Carolina
March 15, 2021

/s/ William S. F. Freeman

William S. F. Freeman (S.C. Bar #16676)
Palmer Freeman (S.C. Bar #2132)
FREEMAN & FREEMAN LLC
Post Office Box 383
Greenville, South Carolina 29602
telephone: (864) 478-8878
email: william@freemanfreemanlaw.com
ATTORNEYS FOR EXPEDIA, INC.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

MAR 18 2021

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

appellate case number: 2020-001150

Josh Hawkins..... Appellant,

v.

American Airlines, The Qantas Group d/b/a
Qantas Airlines, Expedia, and Travel Guard
Insurance, Defendants

of which American Airlines and Expedia are the..... Respondents.

PROOF OF SERVICE

THE UNDERSIGNED hereby certifies that on March 15, 2021 the undersigned served the aforementioned motion and proposed supplemental record on appeal on all counsel via email and thereafter on all counsel the next day via the United States Post Office with sufficient first class postage to the following persons at the following addresses:

Joshua T. Hawkins (S.C. Bar #78470)
Helena L. Jedziniak (S.C. Bar #100825)
Hawkins & Jedziniak, LLC
1225 South Church Street
Greenville, South Carolina 29605
telephone: (864) 275-8142
email: josh@hjlsc.com
email: helena@hjlsc.com
Attorneys for Appellant Josh Hawkins

Kenneth S. Nankin (*pro hac*)
Nankin & Verma PLLC
700 King Farm Boulevard, Suite 500
Rockville, Maryland 20850
telephone: (202) 463-4911
email: ksn@nankin.com
Attorneys for Respondent American Airlines

John L. McCants (S.C. Bar #10423)
Rogers Lewis Jackson Mann & Quinn, LLC
Post Office Box 11803
Columbia, South Carolina 29211
telephone: (803) 978-2834
email: jmccants@rogerslewis.com
Attorneys for Respondent American Airlines

Greenville, South Carolina
March 15, 2021

/s/ William S. F. Freeman

William S. F. Freeman (S.C. Bar #16676)
Palmer Freeman (S.C. Bar #2132)
FREEMAN & FREEMAN LLC
Post Office Box 383
Greenville, South Carolina 29602
telephone: (864) 478-8878
email: william@freemanfreemanlaw.com

ATTORNEYS FOR EXPEDIA, INC.

Freeman & Freeman

telephone: (864) 478-8878
email: william@freemanfreemanlaw.com

March 15, 2021

VIA U.S. MAIL

South Carolina Court of Appeals
attn: Shelby Spencer
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

MAR 18 2021

SC Court of Appeals

Re: Joshua Hawkins, Appellant, v. American Airlines, The Qantas Group d/b/a Qantas Airlines, Expedia, and Travel Guard Insurance, Defendants, Of Which American Airlines and Expedia are the Respondents, COA # 2020-001150

Dear All:

I hope this finds you in good health and doing well. I represent Expedia, Inc. (incorrectly denominated by the Appellant as "Expedia") (hereinafter "Expedia") in connection with the above-referenced case.

Enclosed are the documents previously electronically sent for filing to the Court of Appeals. I also enclose a motion fee in the amount of \$25.00 made payable to the order of the Clerk of Court, South Carolina Court of Appeals.

By copy of this correspondence, I am hereby serving all counsel with same, save for the filing fee.

Thank you for your assistance and attention. If you would like additional information or to discuss this matter further, please contact me.

With kind regards,



William S. F. Freeman

Enclosures

cc via U.S. Mail:

Joshua Hawkins
1225 South Church Street
Greenville, South Carolina 29605

Kenneth S. Nankin
700 King Farm Boulevard,
Suite 500
Rockville, Maryland 20850

John L. McCants
Post Office Box 11803
Columbia, South Carolina 29211



U.S. POSTAGE PAID
POST OFFICE BOX
GREENVILLE SC
29602
MAR 16 2021
AMOUNT
\$2.20
R23047108415-09

William S. F. Freeman
Post Office Box 383
Greenville, South Carolina 29602

**South Carolina Court of Appeals
Attn.: Shelby Spencer
1220 Senate Street
Columbia, South Carolina 29201**

RECEIVED

MAR 16 2021

SC Court of Appeals