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Apr 20 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge

Appeal No.: 2020-001695

Mark Douglas Hill, III, by and through his
Duly appointed Guardian ad Litem, Helen
Kaci Hill, Plaintiff..... Respondent,

v.

Cranston Print Works Company d/b/a
Cranston Trucking Company, Ryder Truck
Rental, Inc., Optimum Staffing, Inc., d/b/a
Optimum Logistic Solutions, and Jason E.
Burdette, Defendants,

And

Gregory Jones, Sr., as the Father and Duly
Appointed Personal Representative of the
Estate of Jessica Dawn Jones, Deceased, Plaintiff,Respondent,

v.

Cranston Print Works Company d/b/a
Cranston Trucking Company, Ryder Truck
Rental, Inc., Optimum Staffing, Inc., d/b/a
Optimum Logistic Solutions, and Jason E.
Burdette, Defendants,

of whom Cranston Print Works Company d/b/a
Cranston Trucking Company, Optimum Staffing, Inc., d/b/a
Optimum Logistic Solutions, and Jason E. Burdette are the Appellants.

REPLY TO RESPONDENTS’ RETURN TO PETITION FOR REHEARING

Pursuant to Rules 221 and 240, SCACR, Appellant Cranston Print Works Company
d/b/a Cranston Trucking Company (“Cranston”) hereby replies to Respondents’ return to its
Petition for Rehearing.

As an initial matter, the final paragraph of Subsection B to Respondents' return (pp. 8-9) should be stricken. First, the allegations made in that paragraph are unsupported by any evidence in the record. In addition, Respondents did not attach to their Return any support for their baseless accusations. Therefore, those matters are not properly before this Court for consideration. *See* Rule 240(c)(3), SCACR ("Where the Record on Appeal...has not been filed, the parties shall file affidavits and other documents in support of their positions"). Moreover, those claims, which are nothing more than speculation, unquestionably touch the boundary of zealous representation. *See In re White*, 391 S.C. 581, 588, 707 S.E.2d 411, 415 (2011) ("an attorney may not, as a means of gaining a strategic advantage, engage in degrading and insulting conduct that departs from the standards of civility and professionalism required").

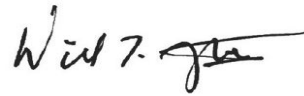
Second, Respondents offer no counterargument to Cranston's position that an aggrieved party is entitled to an appeal. Respondents incorrectly assert Cranston is disingenuous in contending that it could not comply with the order or face a contempt finding. To the contrary, Cranston's position on this point is demonstrated by the plain language of the appealed-from Orders, and as Cranston has asserted in its Petition, Cranston was forced to appeal those Orders now or be bound to their effect. Moreover, Respondents do not even attempt to counter the specified facts in this case establishing Cranston as an aggrieved party. As noted in Cranston's Petition for Rehearing, Cranston would be aggrieved irrespective of Burdette's response to the circuit court orders.

Finally, Respondents offer no practical solution for the situation a party such as Cranston finds itself. Their silence on that issue suggests no alternative method to appeal is available to Cranston. As a result, Cranston's current appeal of these matters is proper and should be heard at this time.

Based upon the foregoing, as well as the arguments contained in Cranston's Petition for Rehearing and the submissions by the other appellants, Cranston respectfully requests this Court grant rehearing and reverse the February 11, 2021 Order granting Respondents' motion to dismiss the appeal.

April 20, 2021

GALLIVAN WHITE BOYD



By: _____

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Burdette, Defendants,

of whom Cranston Print Works Company d/b/a
Cranston Trucking Company, Optimum Staffing, Inc., d/b/a
Optimum Logistic Solutions, and Jason E. Burdette are the Appellants.

PROOF OF SERVICE

I certify I have served Appellant Cranston Print Works Company’s Reply to Respondents’
Return on the following counsel of record via email as follows:

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By: s/William T. Young III
William T. Young III

April 20, 2021

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SC Court of Appeals

VIA ELECTRONIC MAIL

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

Re: Gregory Jones, Sr., as the father and duly appointed Personal Representative of the Estate of Jessica Dawn Jones v. Cranston Print Works Company, et al.

Mark Douglas Hill, III, by and through his duly appointed Guardian ad Litem, Helen Kaci Hill v. Cranston Print Works Company, et al.

Appeal No. 2020-001695

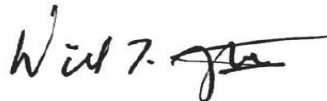
Dear Ms. Kitchings:

Enclosed for filing is Cranston Print Works Company's Reply to Respondents' Return to the Petition for Rehearing in the above-referenced matter, along with the proof of service.

Please let me know if you need anything else.

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.



William T. Young III

ksb/WTY