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Sep 27 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 Perry M. Buckner
The Honorable Markley Dennis

Appellate Case No. 2021-001029

Shirley M.B. Williams, individually, and as Personal Representative of the Estate of Jason Lynn Williams, deceased, Respondent,

v.

Lyft, Inc., Lyft Drives South Carolina, Inc., Kaitlyn Meadows.....Defendants,

Of whom, Lyft, Inc. d/b/a Lyft Drives South Carolina, Inc. (“Lyft”) is theAppellant.

Return to Appellant’s Motion for Limited Remand

At first blush, Appellant’s motion for a remand may appear unassuming, yet underlying this request is an untimely motion that Appellant wishes for this Court to endorse by way of a remand to the circuit court. This appeal was filed because Appellant failed to timely serve or file its Motion to Alter or Amend and For Relief From Default Judgment, and therefore had to perfect its appeal. A perfected appeal and motion to remand, however, cannot serve as an express pass to circuit court when such a return would be futile.

The filing and service of any Motion to Alter or Amend was due by August 30, 2021, yet neither occurred.¹ Appellant's August 30, 2021 filing was rejected by the Charleston County Clerk of Court, which practically means that neither filing or service occurred. Exhibit 1, Notice of Rescission; SC R Common Pleas E-Filing Guide 4(e)(2) (explaining service of the document corresponds with the filing date and time). Moreover, Appellant did not seek to adjust the filing and service dates to account for any issues, as allowed by the E-Filing Guidelines. *See* SC R Common Pleas E-Filing Guide 4 (“[I]f a document is rejected by the clerk of court and is therefore untimely, the party may seek appropriate relief from the court . . .”). Rather, Appellant filed again on August 31, 2021, never acknowledging the recession. Exhibit 2, Notice of August 31, 2021 filing. In the absence of seeking relief for good cause, the August 31, 2021 date controls.

Notably, Appellant did serve the circuit court with the August 30, 2021 filing pursuant to 59(g), SCRCP. Exhibit 3, Email from Appellant to Circuit Judges. While Respondent's counsel was copied on this correspondence, receipt of the correspondence did not constitute service because it did not comply with the Supreme Court's COVID order allowing service by email. Order 2020-000447 (requiring a proof of service with the document being emailed). This is not surprising since the correspondence was not intended for service to counsel since Appellant utilized e-filing for service.² Additionally, the circuit court was later provided the August 31, 2021 filing as well.

¹ The circuit court's order was issued August 19, 2021.

² Significantly, a certificate of service was signed after the August 31, 2021 filing for the August 30, 2021 filing. Exhibit 4, Certificate of Service; Exhibit 5- September 2, 2021 Letter. At best, this certificate is confusing given the fact that a certificate is required at the time of emailing to effectuate service to counsel. One was not provided since Appellant was not emailing pursuant to 59(e), SCRCP, but rather 59(g), SCRCP. Moreover, the certificate ignores the fact that a new filing was made. Practically, the guidelines exist to avoid these types of circumstances.

Appellant’s reliance on e-filing for service is further demonstrated by the fact that when Appellant refiled on August 31, 2021, Appellant did not use email to serve Respondent’s counsel. Instead, Appellant allowed the e-filing to serve as automatic service on the re-filing, and did not supply counsel with electronic copies by way of email or hard copies. Thereby, mirroring the August 30, 2021 filing and practice. This is memorialized in a September 2, 2021 letter acknowledging the filing on August 31, 2021 and a certificate of service being sent on September 1, 2021 for the August 30, 201 filing. Exhibit 5.

In the absence of effectuating service as required by the COVID order or demonstrating good cause at the time of rejection, the circuit court lost jurisdiction on August 30, 2021. *Overland, Inc. v. Nance*, 423 S.C. 253, 256–57, 815 S.E.2d 431, 433 (2018) (“A trial court does not have the power to alter or amend a final order if more than ten days passes and no Rule 59(e) motion has been served . . . , nor does a trial court have any power to grant the moving party an extension of time in which to file a Rule 59(e) motion.”); *In re Beard*, 359 S.C. 351, 358, 597 S.E.2d 835, 838 (Ct. App. 2004) (“The established case law is that a trial judge loses jurisdiction over a case when the time to file post-trial motions has elapsed”).³

For these reasons, this Court should not remand on the basis that the time to file the Motion expired and the circuit court lost jurisdiction at the expiration of the ten days. If this Court is inclined to remand, Respondent respectfully requests that any order issued expressly state that this Court remands without addressing whether the circuit court has jurisdiction and that Respondent

³ On the day of this filing, counsel engaged with the circuit court regarding the August 30, 2021 filing and in turn, its timeliness. Exhibit 6, September 27, 2021 correspondence. At this juncture, Respondent submits that this Court retains sole jurisdiction on this matter, and communication does not change such jurisdiction.

has reserved all arguments before the circuit court and this Court, including waiver, jurisdiction, and timeliness.

Respectfully submitted,

September 27, 2021

s/Whitney B. Harrison
Whitney B. Harrison
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Columbia, SC 29201
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Brooklyn A. O'Shea
O'Shea Law Firm, LLC
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Charleston, SC 29412
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(843) 805-4974
brooklyn@oshealaw.com



Retraction: Courtesy NEF RE: 2019CP1003739

1 message

efiledonotreply@sccourts.org <efiledonotreply@sccourts.org>

To: brooklyn@oshealaw.com

Cc: melissa@oshealaw.com

Tue, Aug 31, 2021 at 9:24 AM

**The Notice below is RESCINDED
The filing was not filed.**

******* IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]**

A filing has been submitted to the court RE: 2019CP1003739

Official File Stamp: 08-30-2021 10:12:56 PM
Court: CIRCUIT COURT
Common Pleas
Charleston
Case Caption: Shirley M B Williams , plaintiff, et al VS Lyft Inc , defendant, et al
Document(s) Submitted: Motion/Alter and/or Amend
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
Filed by or on behalf of: Sarah Theresa Eibling

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Chadwick S. Devlin for Lyft Inc, Lyft Drives South Carolina Inc
Duke Raleigh Highfield for Zurich North America Zurich North American Insurance Company
Sarah Theresa Eibling for Lyft Inc, Lyft Drives South Carolina Inc
Scott Douglas MacLatchie, Jr. for Lyft Inc, Lyft Drives South Carolina Inc
Otto Edworth Liipfert, III for Kaitlyn Meadows
Brooklyn Ansley O'Shea for Shirley M B Williams, Williams, Shirley M B as Personal Representative, Jason Lynn Williams, Williams, Jason Lynn Estate of
Karlen Kay Senn for Shirley M B Williams, Williams, Shirley M B as Personal Representative, Jason Lynn Williams, Williams, Jason Lynn Estate of
Marshall (Matt) Taylor Austin for Lyft Inc, Lyft Drives South Carolina Inc

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Government Employees Insurance Company (Uim)
Zurich American Insurance Company

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Brooklyn O'Shea <brooklyn@oshealaw.com>

---

**Courtesy NEF RE: 2019CP1003739**

1 message

---

**efiledonotreply@sccourts.org** <efiledonotreply@sccourts.org>

Tue, Aug 31, 2021 at 11:10 AM

To: brooklyn@oshealaw.com

Cc: melissa@oshealaw.com

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**NOTICE OF ELECTRONIC FILING [NEF]**

---

**A filing has been submitted to the court RE: 2019CP1003739**

**Official File Stamp:** 08-31-2021 10:57:57 AM  
**Court:** CIRCUIT COURT  
Common Pleas  
Charleston  
**Case Caption:** Shirley M B Williams , plaintiff, et al VS Lyft Inc , defendant, et al  
**Document(s) Submitted:** Motion/Alter and/or Amend  
- Exhibit/Filing of Exhibits  
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**Filed by or on behalf of:** Sarah Theresa Eibling

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- Brooklyn Ansley O'Shea for Shirley M B Williams, Williams, Shirley M B as Personal Representative, Jason Lynn Williams, Williams, Jason Lynn Estate of
- Karlen Kay Senn for Shirley M B Williams, Williams, Shirley M B as Personal Representative, Jason Lynn Williams, Williams, Jason Lynn Estate of

Marshall (Matt) Taylor Austin for Lyft Inc, Lyft Drives South Carolina Inc

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Brooklyn O'Shea <brooklyn@oshealaw.com>

FW: c/a 2019-CP-10-03739: Williams v. Lyft - Motion to Alter or Amend filed by Lyft on 8/30/21

1 message

Sarah Eibling <Sarah.Eibling@nelsonmullins.com> Mon, Aug 30, 2021 at 10:37 PM
To: "Dennis, R. Markley Jr. Law Clerk (Alexandra Carlson)" <MDennisLC@sccourts.org>, "Dennis, R. Markley Jr." <MDennisJ@sccourts.org>, "Young, Roger Law Clerk (Michael Monastra)" <ryounglc@sccourts.org>, "Young, Roger Secretary (Robyn R. Hills)" <ryoungsc@sccourts.org>, "candace.dunn@berkeleycountysc.gov" <candace.dunn@berkeleycountysc.gov>
Cc: Brooklyn O'Shea <brooklyn@oshealaw.com>, "ian@oshealaw.com" <ian@oshealaw.com>, "karlen@oshealaw.com" <karlen@oshealaw.com>, "Highfield, Duke" <dhighfield@ycrlaw.com>, "Anderson, Victoria (Tori)" <TAnderson@ycrlaw.com>, "melissa@oshealaw.com" <melissa@oshealaw.com>, Worth Liipfert <Worth@griffithfreeman.com>, Robert Powell <Rpowell@griffithfreeman.com>, Matt Austin <matt.austin@nelsonmullins.com>, Chadwick Devlin <chadwick.devlin@nelsonmullins.com>, Lauri Epstein <lauri.epstein@nelsonmullins.com>, Kelli Martin <kelli.martin@nelsonmullins.com>

Dear Judge Dennis and Chief Administrative Judge Young:

Attached please find electronic copies of the filings made today on behalf of Lyft Inc. in the above captioned matter. Hard-copies will be mailed to your respective offices in the morning for Wednesday delivery. We appreciate your time and consideration of the attached.

Please let me know if you have any issue with the attachments. If the electronic version or hard-copy version needs to be sent to a different judge, please advise and we will oblige.

Respectfully,

Sarah T. Eibling



SARAH T. EIBLING PARTNER

sarah.eibling@nelsonmullins.com

MERIDIAN | 17TH FLOOR

1320 MAIN STREET | COLUMBIA, SC 29201

T 803.255.9756 F 803.255.5903

From: Jenny DiTirro <jenny.ditirro@nelsonmullins.com>
Sent: Monday, August 30, 2021 10:23 PM
To: Sarah Eibling <Sarah.Eibling@nelsonmullins.com>; Lauri Epstein <lauri.epstein@nelsonmullins.com>
Subject: RE: 2021.08.25 (Williams) DRAFT Rule 52(b) 59(e) and 60(b) Motion (MERGED) 4847-6773-4264 v.7.docx

As filed copies



JENNY DITIRRO ADMINISTRATIVE ASSISTANT

jenny.ditirro@nelsonmullins.com

1400 WEWATTA STREET | SUITE 500

DENVER, CO 80202

T 303.583.9931 F 303.583.9999

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From: Sarah Eibling <Sarah.Eibling@nelsonmullins.com>
Sent: Monday, August 30, 2021 7:24 PM
To: Jenny DiTirro <jenny.ditirro@nelsonmullins.com>; Lauri Epstein <lauri.epstein@nelsonmullins.com>
Subject: 2021.08.25 (Williams) DRAFT Rule 52(b) 59(e) and 60(b) Motion (MERGED) 4847-6773-4264 v.7.docx

ONE minor minor change to TOC – NOW this one is ready!

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8 attachments

-  **Rule 52(b) 59(e) and 60(b) Motion.pdf**
668K
-  **Ex A - 06.25.21 Damages Hearing Transcript .pdf**
648K
-  **Ex B - 2021.04.16 ESI Investigative Report.pdf**
2164K
-  **Ex C - Deposition of Lt. Matthew Wojslawowicz .pdf**
158K
-  **Ex D - Deposition of Kaitlyn Meadows .pdf**
63K
-  **Ex E - HaroldWilkin_PDF Tran .pdf**
235K
-  **Ex F - Reen Life Care Plan Report .pdf**
679K
-  **Ex G - Lyft 12.31.20 Form 10K .pdf**
1334K

| | | |
|---|---|-------------------------------|
| STATE OF SOUTH CAROLINA |) | IN THE COURT OF COMMON PLEAS |
| |) | NINTH JUDICIAL CIRCUIT |
| COUNTY OF CHARLESTON |) | C/A NO. 2019-CP-10-03739 |
| |) | |
| Shirley M. B. Williams, individually, and as |) | |
| Personal Representative of the Estate of |) | |
| Jason Lynn Williams, deceased. |) | |
| |) | CERTIFICATE OF SERVICE |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| Lyft, Inc., Lyft Drives South Carolina, Inc., |) | |
| Kaitlyn Meadows |) | |
| |) | |
| Defendants. |) | |

I, the undersigned Attorney of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendant Lyft, Inc. d/b/a Lyft Drives South Carolina, Inc. (incorrectly identified in the Complaint and case caption as separate corporate entities Defendant Lyft, Inc. and Defendant Lyft Drives South Carolina, Inc.), do hereby certify that I have served all counsel in this action with a copy of the pleading(s) referenced via electronic transmission on August 30, 2021. Please see Notice of Electronic Filing dated August 30, 2021 (attached hereto as Exhibit A) and email to Judge Dennis and counsel dated August 30, 2021 (attached hereto as Exhibit B).

Pleadings: **MOTION TO ALTER OR AMEND THE AUGUST 19, 2021 ORDER AND FOR RELIEF FROM DEFAULT JUDGMENT**

[signature page to follow]

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ SARAH T. EIBLING

Sarah T. Eibling
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151 Meeting Street
Suite 600
Charleston, SC 29401

*Attorneys for Defendant Lyft, Inc. d/b/a Lyft Drives South
Carolina, Inc. (incorrectly identified in the Complaint and case
caption as separate corporate entities Defendant Lyft, Inc. and
Defendant Lyft Drives South Carolina, Inc.)*

Columbia, South Carolina

August 31, 2021

Matt Austin

From: efiledonotreply@sccourts.org
Sent: Monday, August 30, 2021 10:17 PM
To: Matt Austin
Cc: marshallaustin@gmail.com; Laurie Jennings
Subject: Courtesy NEF RE: 2019CP1003739

◀External Email▶ - From: efiledonotreply@sccourts.org

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NOTICE OF ELECTRONIC FILING [NEF]

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Charleston
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Filed by or on behalf of: Sarah Theresa Eibling

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ELECTRONICALLY FILED - 2021 Aug 31 5:16 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1003739

**Matt Austin**

**From:** Sarah Eibling  
**Sent:** Monday, August 30, 2021 10:37 PM  
**To:** Dennis, R. Markley Jr. Law Clerk (Alexandra Carlson); Dennis, R. Markley Jr.; Young, Roger Law Clerk (Michael Monastra); Young, Roger Secretary (Robyn R. Hills); candace.dunn@berkeleycountysc.gov  
**Cc:** Brooklyn O'Shea; ian@oshealaw.com; karlen@oshealaw.com; Highfield, Duke; Anderson, Victoria (Tori); melissa@oshealaw.com; Worth Liipfert; Robert Powell; Matt Austin; Chadwick Devlin; Lauri Epstein; Kelli Martin  
**Subject:** FW: c/a 2019-CP-10-03739: Williams v. Lyft - Motion to Alter or Amend filed by Lyft on 8/30/21  
**Attachments:** Rule 52(b) 59(e) and 60(b) Motion.pdf; Ex A - 06.25.21 Damages Hearing Transcript .pdf; Ex B - 2021.04.16 ESI Investigative Report.pdf; Ex C - Deposition of Lt. Matthew Wojslawowicz .pdf; Ex D - Deposition of Kaitlyn Meadows .pdf; Ex E - HaroldWilkin\_PDF Tran .pdf; Ex F - Reen Life Care Plan Report .pdf; Ex G - Lyft 12.31.20 Form 10K .pdf

Dear Judge Dennis and Chief Administrative Judge Young:

Attached please find electronic copies of the filings made today on behalf of Lyft Inc. in the above captioned matter. Hard-copies will be mailed to your respective offices in the morning for Wednesday delivery. We appreciate your time and consideration of the attached.

Please let me know if you have any issue with the attachments. If the electronic version or hard-copy version needs to be sent to a different judge, please advise and we will oblige.

Respectfully,  
Sarah T. Eibling




---

SARAH T. EIBLING **PARTNER**  
sarah.eibling@nelsonmullins.com  
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1320 MAIN STREET | COLUMBIA, SC 29201  
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---

**From:** Jenny DiTirro <jenny.ditirro@nelsonmullins.com>  
**Sent:** Monday, August 30, 2021 10:23 PM  
**To:** Sarah Eibling <Sarah.Eibling@nelsonmullins.com>; Lauri Epstein <lauri.epstein@nelsonmullins.com>  
**Subject:** RE: 2021.08.25 (Williams) DRAFT Rule 52(b) 59(e) and 60(b) Motion (MERGED) 4847-6773-4264 v.7.docx

As filed copies



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---

**From:** Sarah Eibling <[Sarah.Eibling@nelsonmullins.com](mailto:Sarah.Eibling@nelsonmullins.com)>

**Sent:** Monday, August 30, 2021 7:24 PM

**To:** Jenny DiTirro <[jenny.ditirro@nelsonmullins.com](mailto:jenny.ditirro@nelsonmullins.com)>; Lauri Epstein <[lauri.epstein@nelsonmullins.com](mailto:lauri.epstein@nelsonmullins.com)>

**Subject:** 2021.08.25 (Williams) DRAFT Rule 52(b) 59(e) and 60(b) Motion (MERGED) 4847-6773-4264 v.7.docx

ONE minor minor change to TOC – NOW this one is ready!



Sarah T. Eibling  
T: (803) 255-9756 F: (803) 255-5903  
sarah.eibling@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

1320 Main Street, 17th Floor  
Columbia, SC 29201  
T: 803.799.2000 F: 803.256.7500  
nelsonmullins.com

September 2, 2021

**Via FedEx**

The Honorable R. Markley Dennis, Jr.  
Berkeley County Courthouse  
300 B. California Ave.  
Moncks Corner, SC 29461

The Honorable Roger M. Young, Sr.  
Chief Administrative Judge  
Charleston Co. Judicial Center  
100 Broad St., Ste 368  
Charleston, SC 29401

RE: Shirley M.B. Williams, individually, and as Personal Representative of the Estate of Jason Lynn Williams, deceased v. Lyft, Inc., Lyft Drives South Carolina, Inc., Kaitlyn Meadows  
C.A. No 2019-CP-10-03739  
NMR&S File No. 062616.01501

Dear Gentlemen:

Pursuant to your preferences, enclosed please find courtesy copies of the *Motion to Alter or Amend the August 19, 2021 Order and for Relief from Default Judgment* filed August 31, 2021 and of the *Certificate of Service* to said Motion, filed September 1, 2021 in the above referenced matter.

Should you have any questions, please feel free to contact us.

Sincerely Yours,

Sarah T. Eibling

STE:kdm  
Enclosures

cc: Brooklyn A. O'Shea, Esq. (w/out encls.)

The Honorable R. Markley Dennis, Jr.  
September 2, 2021  
Page 2

Ian R. O'Shea, Esq. (w/out encls.)  
O. Edworth Liipfert, III, Esq. (w/out encls.)  
Duke R. Highfield, Esq. (w/out encls.)  
Victoria L. Anderson, Esq. (w/out encls.)  
Karlen Kay Senn, Esq. (w/out encls.)

## Whitney Harrison

---

**From:** Young, Roger Law Clerk (Michael Secrist) <ryounglc@sccourts.org>  
**Sent:** Monday, September 27, 2021 8:50 AM  
**To:** Brooklyn O'Shea; Sarah Eibling  
**Cc:** Dennis, R. Markley Jr.; Lisa E. Chapman; ian@oshealaw.com; karlen@oshealaw.com; Highfield, Duke; Anderson, Victoria (Tori); melissa@oshealaw.com; Worth Liipfert; Robert Powell; Matt Austin; Chadwick Devlin; Lauri Epstein; Kelli Martin; Matt Bogan; Blake Williams; Whitney Harrison; Angela Rigney  
**Subject:** RE: 2019CP1003739: Williams v. Lyft - Motion to Alter or Amend filed by Lyft on 8/30/21

Received. Thank you Counselors.

### Michael E. Secrist

Law Clerk to The Honorable Roger M. Young, Sr.  
100 Broad Street  
Charleston, South Carolina 29401  
Office: (843) 958-2015  
Email: [RYounglc@sccourts.org](mailto:RYounglc@sccourts.org)

---

**From:** Brooklyn O'Shea <brooklyn@oshealaw.com>  
**Sent:** Monday, September 27, 2021 8:40 AM  
**To:** Sarah Eibling <Sarah.Eibling@nelsonmullins.com>  
**Cc:** Young, Roger Law Clerk (Michael Secrist) <ryounglc@sccourts.org>; Dennis, R. Markley Jr. <MDennisJ@sccourts.org>; Lisa E. Chapman <LChapman@charlestoncounty.org>; ian@oshealaw.com; karlen@oshealaw.com; Highfield, Duke <dhighfield@yctrlaw.com>; Anderson, Victoria (Tori) <TAnderson@yctrlaw.com>; melissa@oshealaw.com; Worth Liipfert <Worth@griffithfreeman.com>; Robert Powell <Rpowell@griffithfreeman.com>; Matt Austin <matt.austin@nelsonmullins.com>; Chadwick Devlin <chadwick.devlin@nelsonmullins.com>; Lauri Epstein <lauri.epstein@nelsonmullins.com>; Kelli Martin <kelli.martin@nelsonmullins.com>; Matt Bogan <Matt.Bogan@nelsonmullins.com>; Blake Williams <blake.williams@nelsonmullins.com>; Whitney Harrison <wharrison@mcgowanhood.com>; Angela Rigney <ARigney@charlestoncounty.org>  
**Subject:** Re: 2019CP1003739: Williams v. Lyft - Motion to Alter or Amend filed by Lyft on 8/30/21

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Judge Dennis and Judge Young,

The filing and service of Lyft's post-judgment motion were not timely and that is presumably why Lyft filed an appeal before a ruling was issued by Your Honor. Respectfully, the circuit court lacks jurisdiction right now for two reasons:

1. Lyft's Motion filed on August 31, 2021 was untimely.
2. Lyft's Appeal and Motion for Limited Remand are currently pending with the Court of Appeals.

I am not sure what the purpose of Ms. Eibling's email was other than to describe Lyft's actions as "timely" when the timeliness is currently being addressed in the Court of Appeals. Ms. Eibling's email this morning is another attempt to push the after-the-fact narrative that when only 17 days went by after filing the Motion, they were concerned a circuit court judge was not going to rule on Lyft's Motion filed on August 31, 2021 because Judge Dennis retired. Lyft did not seek to adjust the filing and service dates per the E-Filing Guidelines when they missed the deadline for filing and service like they should have. The filing of the Notice of Appeal just before the 30 days passed after Judge Dennis issued his Order demonstrates Lyft knew the untimely post-judgment motion would not stay their deadline to appeal. They appealed and

then immediately asked for it to be remanded “out of an abundance of caution.” It is our position that they did so to meet the deadline to appeal and to use the Motion for Limited Remand within the appeal to preserve an untimely post-judgment motion that would otherwise be abandoned with the filing of an appeal.

Accordingly, we will be addressing these issues with the Court of Appeals and I do not believe any action needs to be taken by the circuit court at this time.

I hope everyone has a great week.

Respectfully,  
Brooklyn

**Brooklyn A. O'Shea**  
**Attorney at Law | O'Shea Law Firm, LLC**  
**Phone: (843) 805-4943 Ext. 1003**  
**Fax: (843) 805-4974**

**1120 Folly Road | Charleston, SC 29412**  
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On Mon, Sep 27, 2021 at 7:41 AM Sarah Eibling <Sarah.Eibling@nelsonmullins.com> wrote:

Dear Mr. Secrist,

Thank you for confirming receipt of the timely service of our post-judgment motions served on August 30, 2021. The filing was filed within 5 days after service as provided by Rule 5 and that accepted filing along with the Certificate of Service filed on 8/31/21 is attached hereto for your consideration.

Also, we have filed a notice of appeal within 30 days of written receipt of notice of entry of Judge Dennis' default damages judgment, attached with orders. In light of the retired status of Judge Dennis and the uncertainty of whether he or another circuit judge will hear the post-judgment motions, we then filed a motion for limited remand, also attached. The respondents' return to the request for a limited remand is due with the court of appeals today.

Once the court of appeals rules on those filings, we will alert the court whether the pending motions will be heard by this court or whether the court of appeals will simply move forward with the appeal. The post-judgment motions merely seek to have this court reconsider the prior rulings and issues already raised under the applicable rules as permitted by rule and case law.

If the court does not issue the limited remand, we will proceed on appeal. If the limited remand is granted, we will inform the court so that a hearing and judge may be assigned in the discretion of your honor as chief administrative judge.

Thank you very much,

Sarah Eibling



SARAH T. EIBLING PARTNER

sarah.eibling@nelsonmullins.com

MERIDIAN | 17TH FLOOR

1320 MAIN STREET | COLUMBIA, SC 29201

T 803.255.9756 F 803.255.5903

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Young, Roger Law Clerk (Michael Secrist) <ryounglc@sccourts.org>

Sent: Tuesday, August 31, 2021 10:33 AM

To: Sarah Eibling <Sarah.Eibling@nelsonmullins.com>; Dennis, R. Markley Jr. <MDennisJ@sccourts.org>;
candace.dunn@berkeleycountysc.gov; Lisa E. Chapman <LChapman@charlestoncounty.org>

Cc: Brooklyn O'Shea <brooklyn@oshealaw.com>; ian@oshealaw.com; karlen@oshealaw.com; Highfield, Duke <dhighfield@yctrlaw.com>; Anderson, Victoria (Tori) <TAnderson@yctrlaw.com>; melissa@oshealaw.com; Worth Liipfert <Worth@griffithfreeman.com>; Robert Powell <Rpowell@griffithfreeman.com>; Matt Austin <matt.austin@nelsonmullins.com>; Chadwick Devlin <chadwick.devlin@nelsonmullins.com>; Lauri Epstein <lauri.epstein@nelsonmullins.com>; Kelli Martin <kelli.martin@nelsonmullins.com>

Subject: RE: 2019CP1003739: Williams v. Lyft - Motion to Alter or Amend filed by Lyft on 8/30/21

Received. Thank you Counselor.

Michael E. Secrist

Law Clerk to The Honorable Roger M. Young, Sr.

100 Broad Street

Charleston, South Carolina 29401

Office: (843) 958-2015

Email: RYounglc@sccourts.org

From: Sarah Eibling <Sarah.Eibling@nelsonmullins.com>

Sent: Monday, August 30, 2021 10:37 PM

To: Dennis, R. Markley Jr. Law Clerk (Alexandra Carlson) <MDennisLC@sccourts.org>; Dennis, R. Markley Jr. <MDennisJ@sccourts.org>; Young, Roger Law Clerk (Michael Secrist) <ryounglc@sccourts.org>; Young, Roger Secretary (Robyn R. Hills) <ryoungsc@sccourts.org>; candace.dunn@berkeleycountysc.gov

Cc: Brooklyn O'Shea <brooklyn@oshealaw.com>; ian@oshealaw.com; karlen@oshealaw.com; Highfield, Duke <dhighfield@ycrlaw.com>; Anderson, Victoria (Tori) <TAnderson@ycrlaw.com>; melissa@oshealaw.com; Worth Liipfert <Worth@griffithfreeman.com>; Robert Powell <Rpowell@griffithfreeman.com>; Matt Austin <matt.austin@nelsonmullins.com>; Chadwick Devlin <chadwick.devlin@nelsonmullins.com>; Lauri Epstein <lauri.epstein@nelsonmullins.com>; Kelli Martin <kelli.martin@nelsonmullins.com>

Subject: FW: c/a 2019-CP-10-03739: Williams v. Lyft - Motion to Alter or Amend filed by Lyft on 8/30/21

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

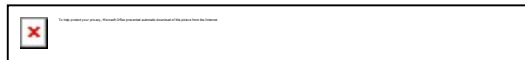
Dear Judge Dennis and Chief Administrative Judge Young:

Attached please find electronic copies of the filings made today on behalf of Lyft Inc. in the above captioned matter. Hard-copies will be mailed to your respective offices in the morning for Wednesday delivery. We appreciate your time and consideration of the attached.

Please let me know if you have any issue with the attachments. If the electronic version or hard-copy version needs to be sent to a different judge, please advise and we will oblige.

Respectfully,

Sarah T. Eibling



SARAH T. EIBLING PARTNER

sarah.eibling@nelsonmullins.com

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Sep 27 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 Perry M. Buckner
The Honorable Markley Dennis

Appellate Case No. 2021-001029

Shirley M.B. Williams, individually, and a Personal Representative of the Estate of Jason Lynn Williams, deceased, Respondent,

v.

Lyft, Inc., Lyft Drives South Carolina, Inc., Kaitlyn Meadows

Of whom, Lyft, Inc. d/b/a Lyft Drives South Carolina, Inc. (“Lyft”) is theAppellant.

PROOF OF SERVICE

The undersigned herby certifies Respondent’s Return was served by email on September 27, 2021 to the following:

- Sarah T. Eibling, sarah.eibling@nelsonmullins.com
- Mattison Bogan, matt.bogan@nelsonmullins.com
- Blake T. Williams, blake.williams@nelsonmullins.com
- Matt Austin, matt.austin@nelsonmullins.com

Signature Page to Follow

Respectfully submitted,

September 27, 2021

s/Whitney B. Harrison
Whitney B. Harrison
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, SC 29201
(803) 779-0100
(803) 7878-0750 (fax)
wharrison@mcgowanhood.com

Whitney Harrison

From: Whitney Harrison
Sent: Monday, September 27, 2021 10:09 AM
To: sarah.eibling@nelsonmullins.com; Matt Bogan; matt.austin@nelsonmullins.com
Cc: Brooklyn O'Shea; Amy Starr
Subject: Williams v. Lyft: 2021-001029- Return to Motion for Limited Remand
Attachments: Williams-Return- final for filing-COA.pdf; Williams-Return-Proof of Service.pdf; Williams-Return-Cover letter.pdf; Exhibit 1-2021.08.31 Notice Rescinded.pdf; Exhibit 2-2021.08.31 NEF- Second Filing of Motion.pdf; Exhibit3-2021.08.30 Email from Eibling.pdf; Exhibit 4-2021.08.31 Certificate of Service for Motion to Alter - Amend.pdf; Exhibit 5-2021.09.02 Lyft's LTR to court with courtesty copies of Motion to Amend.pdf; Exhibit 6-Emails from 9-27-21.pdf

Good morning,

Attached please find Respondent's Return with exhibits, along with a cover letter and proof of service that will be filed with the Court of Appeals.

Whitney

McGowan, Hood & Felder, LLC

Chad A. McGowan (SC,GA,NC)
S. Randall Hood
John G. Felder, Jr.
W. Jones Andrews, Jr.
Russell T. Burke
Jordan C. Calloway
Susan F. Campbell
Deborah Casey (NC)*
Ashley White Creech
Shawn B. Deery
Chance M. Farr (SC,NC)
Eve S. Goodstein



Whitney B. Harrison
Richard A. "Trey" Jones III
Patrick M. Killen
Anna S. Magann
Robert V. Phillips
Ranee Saunders
James L. Ward, Jr. (SC,NC)
James Stephen Welch (SC,OK)*
Jay F. Wright
Joseph G. Wright, III*
*Of Counsel

September 27, 2021

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

RECEIVED
Sep 27 2021
SC Court of Appeals

RE: *Williams v. Lyft*
Appellate Case No. 2021-001029

Dear Ms. Kitchings,

Enclosed please find for filing Respondent Shirley Williams's Return in the above referenced matter. Please let me know if you have any questions or concerns.

With kind regards,

Sincerely,

s/Whitney B. Harrison

Whitney B. Harrison

cc: A. Mattison Bogan
Sarah Eibling
Blake T. William
Matt Austin