

RECEIVED

Nov 03 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
First Judicial Circuit
Hon. Edgar W. Dickson

Appellate Case No. 2021-001171
Civil Action No. 2021-CP-38-01115

Husqvarna Consumer Outdoor Products, N.A, Inc.;;
Modern Rentals, Inc.,Respondents,

v.

Briggs & Stratton, LLC,.....Appellant.

MOTION REGARDING ORAL ARGUMENT

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondents Husqvarna Consumer Outdoor Products, N.A, Inc. and Modern Rentals, Inc., hereby request that this Court set oral argument for consideration of Appellant’s Petition for Writ of Supersedeas.

Respondents take the position that Petition can be summarily dismissed for the reasons stated in their Return. To the extent the Court does not summarily deny the Petition for these reasons, Respondents request oral argument.

Petitioner makes conclusory allegations in its reply in support of its Petition regarding impossibility of compliance. These new allegations are inconsistent with clear findings made by the Circuit Court, who referenced Appellant’s own internal documents in its order. Petitioner does not explain this inconsistency in its newly inserted discussion on this matter and oral argument would be useful for this Court (and Respondents) to hear an explanation of the same.

Indeed, Respondents are seeking relief from the Circuit Court, including a hearing, regarding Appellant's capacity to produce engines, the allocation of engines produced by Appellant, and Appellant's claims of purported impossibility. That hearing in front of the Circuit Court is to take place during the week of November 15, 2021. It is Respondents' hope that this hearing will provide the much needed clarity regarding the inconsistency between the evidence in the record and the allegations in Appellant's papers filed before this Court. As part of the preparation for that hearing, the Circuit Court has ordered the parties to complete any depositions on this topic by November 9, 2021.

An order from this Court setting for oral argument as soon as a term of court becomes available would assist the Court in evaluating the Appellant's ability to comply with the Circuit Court's order. Therefore, Respondents request that this Court grant this motion and set this matter for oral argument as soon as a term of court becomes available.

Respectfully submitted,

WILLIAMS & WILLIAMS

By: /s/ C. Bradley Hutto
C. Bradley Hutto
1281 Russell Street
Orangeburg, SC 29115
(803) 534-5218

NELSON MULLINS RILEY & SCARBOROUGH, LLP

C. Michell Brown
James K. Lehman
Cory E. Manning
1320 Main St. / 17th Floor
Columbia, SC 29201
(803) 799-2000

Attorneys for Respondents

November 3, 2021
Columbia, SC

RECEIVED

Nov 03 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
First Judicial Circuit
Hon. Edgar W. Dickson

Appellate Case No. 2021-001171
Civil Action No. 2021-CP-38-01115

Husqvarna Consumer Outdoor Products, N.A, Inc.
and Modern Rentals, Inc.Respondents,

v.
Briggs & Stratton, LLC,Appellant.

PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Husqvarna Consumer Outdoor Products , N.A., Inc., and Modern Rentals, Inc., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow in accordance with the Supreme Court’s August 25, 2021 Administrative Order by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

Pleading(s): **Motion Regarding Oral Argument**

Served: G. Murrell Smith, Jr.
Smith Robinson
126 North Main Street
Sumter, SC 29151
(803)778-2471
murrell@smithrobinsonlaw.com

Steve A. Matthews
Costa M. Pleicones
Haynesworth Sinkler Boyd, P.A.
1201 Main Street
P.O. Box 11889 (29211-1889)
Columbia, SC 29201-3226
smatthews@hsblawfirm.com
cpleicones@hsblawfirm.com

Sarah P. Spruill
Haynesworth Sinkler Boyd, P.A.
One North Main, 2nd Floor
P.O. Box 2048 (29602)
Greenville, SC 29601
Sspruill@hsblawfirm.com

Attorneys for Briggs & Stratton, LLC



Eileen Hindman

November 3, 2021

Eileen Hindman

From: Eileen Hindman
Sent: Wednesday, November 3, 2021 11:38 AM
To: murrell@smithrobinsonlaw.com; smatthews@hsblawfirm.com;
cpleicones@hsblawfirm.com; Sspruill@hsblawfirm.com
Cc: Cory Manning; cbhutto@williamsattys.com; Mitch Brown;
jim.lehman@nelsonmullins.com; Meredith Keane
Subject: Husqvarna Consumer Outdoor Products N.A., Inc. v. Briggs & Stratton LLC
(2021-001171)
Attachments: Motion for Oral Argument.pdf; Proof of Service.pdf

Good morning,

Attached for service upon you in the above matter please find the Respondents' Motion Regarding Oral Argument and Proof of Service. Service is made via email pursuant to the Supreme Court's August 25, 2021 Administrative Order.

Thank you.



EILEEN HINDMAN SENIOR ADMINISTRATIVE ASSISTANT
eileen.hindman@nelsonmullins.com

MERIDIAN | 17TH FLOOR
1320 MAIN STREET | COLUMBIA, SC 29201
T 803.255.9204 F 803.256.7500
NELSONMULLINS.COM
