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Dec 16 2021

S.C. SUPREME COURT

EXHIBIT 3

Email chain

From: [Spruill, Sarah](#)
To: [Brooks R. Fudenberg](#); [Reibold, Rob](#)
Cc: [Steve Moskos](#)
Subject: RE: Daniel O'Shields, et al. v. Columbia Automotive Co., et al.; Appellate Case No. 2017-000902
Date: Thursday, December 16, 2021 1:02:46 PM

Per my earlier email, we do not consent to your second requested amendment.



Sarah P. Spruill | Attorney
Direct 864.240.3220 | sspruill@hsblawfirm.com

Haynsworth Sinkler Boyd, P.A.
ONE North Main, 2nd Floor | Greenville, SC 29601
Main 864.240.3200 | Fax 864.240.3300

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From: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>
Sent: Thursday, December 16, 2021 11:15 AM
To: Spruill, Sarah <sspruill@hsblawfirm.com>; Reibold, Rob <rreibold@hsblawfirm.com>
Cc: Steve Moskos <steve@moskoslawfirm.com>
Subject: RE: Daniel O'Shields, et al. v. Columbia Automotive Co., et al.; Appellate Case No. 2017-000902

Sara:

If you plan to object to our motion, will you at least specify which of the changes you object to, so that we may narrow the issues for the Court?

For your convenience, I repeat from my email of 2:56 pm December 15:

please put "I object" or "Ok" after the page number, so we may narrow the issues for the Court's consideration.

Did the panel err in holding, as an additional sustaining ground re Petitioners' final fee request, that fees for work designed to increase the award through amending the judgment are not allowed? p. 1

The panel declined to consider the ~~actual and~~ potential harm caused by Respondent's actions p. 2

conflicting with ~~both~~ prior decisions of this Court; and the intermediary court's own

prior decisions. p. 3

Included was a verdict for fraud. ~~(Id.)~~ [Replaced with (R. p. 47).] p. 6

Yet even ~~after Respondent's counsel informed the court that Petitioners did not seek a ruling on the merits of their motion (R. p. 2149), and after~~ Petitioners informed the trial court of their view that the trial court lacked jurisdiction, p. 10

added, "and that the purpose of the motion was simply to avoid any argument on remand that these fees were not timely requested" in between "given that the matter was under appeal" and "(R. pp. 2093-94)" p. 10

Corrected the weird spacing of this sentence: We have instructed courts to determine the reprehensibility of a defendant by considering whether: the harm caused was physical as opposed to economic; *the tortious conduct evinced an indifference to or a reckless disregard of the health or safety of others. . .* p. 11

Added (Pet Reh'g pp. 20-21). to the end of the paragraph beginning, "Petitioners additionally argued" p. 14

Added footnote 1 to p. 16 p. 16

Added footnote 6 to p. 22 p. 22

Removed the underscore under the comma in the word aff'd, in footnote 4 p. 19

Thank you.

Regards,

Brooks R. Fudenberg
Law Office of Brooks R. Fudenberg, LLC
14 Ashe Street
Charleston SC 29403
843-416-2558
910-401-1242 (eFax)

From: Brooks R. Fudenberg
Sent: Wednesday, December 15, 2021 3:19 PM

To: Spruill, Sarah <sspruill@hsblawfirm.com>; Reibold, Rob <rreibold@hsblawfirm.com>
Cc: Steve Moskos <steve@moskoslawfirm.com>
Subject: RE: Daniel O'Shields, et al. v. Columbia Automotive Co., et al.; Appellate Case No. 2017-000902

Sarah,

I spoke just now with our case manager, Ashli, at the Supreme Court. She points out that where Rule 242(f), SCACR, states that Respondent is to file the return "Within thirty (30) days after service of the petition," that means 30 days after whichever version the Court is going with. You may wish to call her and confirm.

Brooks

From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Wednesday, December 15, 2021 3:00 PM
To: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>; Reibold, Rob <rreibold@hsblawfirm.com>
Cc: Steve Moskos <steve@moskoslawfirm.com>
Subject: RE: Daniel O'Shields, et al. v. Columbia Automotive Co., et al.; Appellate Case No. 2017-000902

That is certainly part of it. Do you have any authority that my deadline would be changed? I am not aware of any—

I'll look at the other once you answer that question.



Sarah P. Spruill | Attorney
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From: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>
Sent: Wednesday, December 15, 2021 2:56 PM
To: Spruill, Sarah <sspruill@hsblawfirm.com>; Reibold, Rob <rreibold@hsblawfirm.com>
Cc: Steve Moskos <steve@moskoslawfirm.com>
Subject: RE: Daniel O'Shields, et al. v. Columbia Automotive Co., et al.; Appellate Case No. 2017-000902

Sarah,

It appears your only concern is the amount of time in which you will have to respond. First, we would work with you if you needed more time. Second, your deadline will be pushed back to 30 days after the Court grants the motion. If the Court grants the motion tomorrow, your 30 days would end on Saturday, January 15, 2022, which would give you until Monday, the 17th. Does that change your mind?

If not, please put "I object" or "Ok" after the page number, so we may narrow the issues for the Court's consideration.

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4 p. 19

Thank you.

Regards,

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From: Spruill, Sarah <sspruill@hsblawfirm.com>

Sent: Wednesday, December 15, 2021 1:05 PM

To: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>; Reibold, Rob <rreibold@hsblawfirm.com>

Cc: Steve Moskos <steve@moskoslawfirm.com>

Subject: RE: Daniel O'Shields, et al. v. Columbia Automotive Co., et al.; Appellate Case No. 2017-000902

Looking at the redlined version, these appear to be more substantive changes that you are seeking to make much closer to our response deadline. Given the upcoming holidays and Sup. Ct. Order 2014-07-16-01, we are not inclined to consent to a second motion to amend.

**HAYNSWORTH
SINKLER BOYD**

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From: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>
Sent: Wednesday, December 15, 2021 11:43 AM
To: Spruill, Sarah <sspruill@hsblawfirm.com>; Reibold, Rob <rreibold@hsblawfirm.com>
Cc: Steve Moskos <steve@moskoslawfirm.com>
Subject: RE: Daniel O'Shields, et al. v. Columbia Automotive Co., et al.; Appellate Case No. 2017-000902

It looks like I sent you a copy of the first amended petition yesterday along with the redlined version comparing the 1st and 2nd amended pets. Would you like me to send the proposed 2d amended petition, or does the redlined version suffice?

Brooks

From: Brooks R. Fudenberg
Sent: Tuesday, December 14, 2021 5:01 PM
To: sspruill@hsblawfirm.com; Reibold, Rob (rreibold@hsblawfirm.com) <rreibold@hsblawfirm.com>
Cc: Steve Moskos <steve@moskoslawfirm.com>
Subject: RE: Daniel O'Shields, et al. v. Columbia Automotive Co., et al.; Appellate Case No. 2017-000902

One more time:

We intend to file a second motion to amend our petition for writ of certiorari. May we state that you do not object?

I am attaching both a final copy of the second amended petition and a tracked-changes version. The Title Page will be unchanged.

Thank you.

Brooks R. Fudenberg
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