

THE STATE OF SOUTH CAROLINA  
In the Supreme Court of South Carolina

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**RECEIVED**

**Dec 21 2021**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

MIKELL R. SCARBOROUGH, MASTER IN EQUITY

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Case No.: 2016-001201

Allen Livingston, Respondent,

v.

Harold Simmons, Appellant

RETURN TO PETITION FOR WRIT OF CERTIORARI

Harold Simmons, Jr.  
3042 North Carolina Ave.  
North Charleston, SC 29405  
Appellant

Harold Simmons, Jr.  
1182 King Street  
Charleston, SC 29403  
Appellant

Bruce A. Berlinsky, P.A.  
One Carriage Ln., Bldg. F  
Charleston, SC 2907  
(843) 852-2202

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## ARGUMENT

Appellants Petition for Writ of Certiorari should be denied pursuant to Rule 242(b) in that (1) There is no novel question of law; (2) there is no dissent in the decision of the Court of Appeals; (3) the decision of the Court of Appeals is not in conflict with a prior decision of the Supreme Court; (4) there are no substantial constitutional issues directly involved; (4) the decision of the Court of Appeals does not conflict with a decision of the United States Supreme Court.

Based on the foregoing, the Petition for Writ of Certiorari should respectfully be denied.

Respectfully submitted,

s/Bruce A. Berlinsky  
BRUCE A. BERLINSKY, PA  
Bruce A. Berlinsky, Esquire  
One Carriage Lane, Bldg. F  
Charleston, SC 29407  
(843) 852-2202  
Attorney for Respondent

December 15, 2021

THE STATE OF SOUTH CAROLINA  
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CERTIFICATION

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The undersigned certifies that this Return to Petition for Writ of Certiorari contains no matters which are irrelevant to the Appeal.

Respectfully submitted,

s/Bruce A. Berlinsky

BRUCE A. BERLINSKY, PA  
Bruce A. Berlinsky, Esquire  
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December 15, 2021