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Jun 20 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Trevor Eddy, Esquire, Special Referee

Civil Action No. 2021-CP-40-03536

Audra Hall,.....

Respondent,

v.

Merit Transport, Inc. ....

Appellant.

**JOINT MOTION FOR LEAVE TO FILE RULE 60(B)(5) MOTION**

Pursuant to Rules 240 and 241 of the South Carolina Appellate Court Rules, Appellant Merit Transport, Inc. (“Merit Transport”) and Respondent Audra Hall (“Respondent”) hereby *jointly* move this Court to grant them leave to jointly file, with the trial court in this matter, a consent motion, pursuant to Rule 60(b)(5), SCRCP, for relief from the judgment that is presently on appeal to this Court. The parties wish to present this joint motion to the Special Referee who entered the judgment under appeal. The parties believe that this motion will likely completely resolve the proceedings before this Court and the lower court. Because the Rule 60(b) motion relates to a judgment already on appeal before this Court, the parties are required to first obtain this Court’s leave allowing the motion to be presented to, heard, and ruled upon by the lower court.

Therefore, the parties hereby jointly and respectfully request this Court grant their motion, hold the briefing schedule in abeyance pending the lower court’s ruling on the parties’ consent

Rule 60(b)(5) motion. The parties further request that the deadline for Appellant's initial brief and designation of matter be held in abeyance pending the Court's ruling on this motion.

**We so jointly move and consent:**

ROGERS TOWNSEND, LLC

LAW OFFICE OF KENNETH E. BERGER

s/ Joseph J. Tierney, Jr.

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June 20, 2022

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Appeal from the Richland County Court of Common Pleas  
for the Fifth Judicial Circuit

Trevor Eddy, Esquire, Special Referee

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Circuit Case No. 2021-CP-40-03536

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Audra Hall,

Respondents,

v.

Merit Transport, Inc.,

Appellants.

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**PROOF OF SERVICE**

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The undersigned certifies that on this 20<sup>th</sup> day of June, 2022, a copy of the Joint Motion for Leave to File Rule 60(B)(5) Motion was served to other counsel of record, Kenneth Emanuel Berger and Bradley Lewis Lanford, 5205 Forest Drive, Columbia, South Carolina 29206 and Brett D. Woron, 1328 Richland Street, Columbia, South Carolina 29201 by e-mailing same.

**ROGERS TOWNSEND, LLC**

By: *s/Joseph J. Tierney, Jr.*

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**VIA ELECTRONIC FILING (ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Audra Hall, Respondent v. Merit Transport, Inc., Appellant, Case No. 2021-CP-40-03536

Dear Ms. Kitchings:

Enclosed for filing is a Joint Motion for Leave to File Rule 60(B)(5) Motion in the above case along with the Proof of Service of the notice of appeal on the respondent.

The filing fee of \$50.00 will be delivered to your office via Federal Express.

With kindest regards I am,

Sincerely,

By: s/ Joseph J. Tierney, Jr.

Cc: Other Counsel of Record:

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