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AUG 08 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No.: 2020-000857

Barbara Brooks, as Personal Representative of the Estate of James  
Macomson.....Appellant,

v.

State Farm Mutual Automobile Insurance  
Company.....Respondent.

**CONSENT MOTION TO DISMISS APPEAL AND REMAND TO CIRCUIT COURT  
FOR APPROVAL OF DEATH SETTLEMENT**

The Appellant and Respondent have reached a settlement of this matter, although approval of the settlement is required because this is a case involving wrongful death. The parties request that this Court dismiss the appeal and remand the matter to the Circuit Court for approval of the compromise settlement. S.C. Code § 15-41-42(3) specifically states that “if the settlement agreement is reached after notice of appeal is filed, the personal representative shall petition the appellate court before which the matter is pending to remand the case to the circuit court for consideration of the settlement agreement . . .”

We so move:

s/Helena Jedziniak  
Joshua T. Hawkins, S.C. Bar #78470  
Helena L. Jedziniak, S.C. Bar #100825  
1225 South Church Street  
Greenville, South Carolina 29605  
(864) 275-8142 (telephone)  
(864) 752-0911 (facsimile)  
josh@hjllcsc.com  
helena@hjllcsc.com  
Attorney for Petitioner

We consent:

s/Timothy Domin  
Timothy A. Domin  
S.C. Bar No.: 65264  
Clawson and Staubes  
126 Seven Farms Drive Suite 200  
Charleston SC 29492  
Phone: (843) 577-2026  
Fax: (843) 722-2867  
Email: tdomin@clawsonandstaubes.com  
Attorney for Respondent

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Barbara Brooks, as Personal  
Representative of the Estate of James  
Macomson,

Appellant,

v.

State Farm Mutual Automobile  
Insurance Company,

Respondent.

**PROOF OF SERVICE**

I certify that on this date, August 5, 2022, I filed the foregoing Consent Motion to Dismiss Appeal and Remand to Circuit Court for Approval of Death Settlement with the South Carolina Court of Appeals via electronic filing to ctappfilings@sccourts.org, served an original copy, along with filing fee, to the Court of Appeals at 1220 Senate Street, Columbia, SC, and served a copy upon Respondent, electronically and by depositing a copy of it in the United States Certified Mail, Return Receipt Requested, with proper postage affixed, addressed to its attorney of record, Timothy A. Domin, tdomin@clawsonandstaubes.com, Clawson & Staubes, LLC, 126 Seven Farms Drive, Suite 200 Charleston, South Carolina 29492.

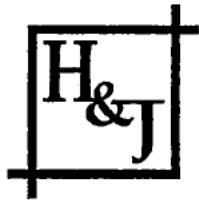
HAWKINS & JEDZINIAK, LLC

*s/Helena L. Jedziniak*

Joshua T. Hawkins, SC Bar #78470

Helena Jedziniak, SC Bar #100825

1225 South Church Street  
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helena@hjlsc.com  
**Attorneys for Appellant**



# Hawkins & Jedziniak, LLC

**Joshua T. Hawkins**

*josh@hjlsc.com*

**Helena L. Jedziniak \***

*helena@hjlsc.com*

*\* also licensed in North Carolina*

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August 5, 2022

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**SC Court of Appeals**

--via U.S. Certified Mail and electronic mail: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)--

Ms. Jenny Abbot Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

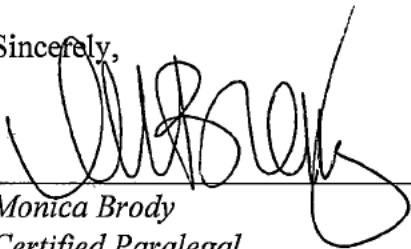
Re: *Barbara Brooks, as Personal Representative of the Estate of James Macomson v. State Farm Mutual Automobile Insurance Company*  
Appellate Case No.: 2020-000857

Dear Ms. Kitchings:

Please find enclosed for filing, Consent Motion to Dismiss Appeal and Remand to Circuit Court for Approval of Death Settlement, in the above-referenced case, along with a Proof of Service upon Respondent, and check for motion filing fee.

Should you have any other questions, please do not hesitate to contact our office.

Sincerely,



---

*Monica Brody*

*Certified Paralegal*

Enclosures

CC:

Timothy Domin  
Clawson & Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492

Hawkins & Jedziniak, LLC  
1225 South Church Street  
Greenville, SC 29605



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SC Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK OF COURT  
S.C. COURT OF APPEALS  
220 SENATE STREET  
COLUMBIA, SC 29201

RETURN RECEIPT  
REQUESTED

U.S. POSTAGE PAID  
FOR LETTER  
GREENVILLE, SC  
29604  
AUG 05 22  
AMOUNT

**\$8.09**  
R2305K135702-44



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