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Aug 05 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@hjlsc.com
helena@hjlsc.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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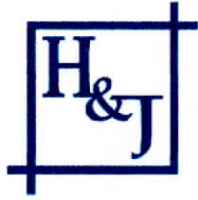
PROOF OF SERVICE

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
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Attorneys for Appellant



**Hawkins &
Jedziniak, LLC**

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SC Court of Appeals

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August 5, 2022

--via U.S. Certified Mail and electronic mail: 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