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**Aug 10 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Allison Renee Lee, Circuit Court Judge

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Lower Court Case No. 2018-CP-40-04211

Appellate Case No.: 2022-001069

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Capital Produce, Inc.....Respondent,

v.

U.S. Logistics, LLC.....Appellant.

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CONSENT MOTION TO HOLD APPEAL IN ABEYANCE

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U.S. Logistics, LLC (hereinafter "Appellant") and Capital Produce, Inc. ("Respondent") hereby move, by consent, for the Court to hold this appeal in abeyance, pending the decision of the lower court on Respondent’s Motion for Attorneys’ Fees and Costs and Interest.

By way of background, this case was tried to a jury verdict for Respondent on May 20, 2022. On May 23, 2022, Appellant filed its Post-Trial Motions and on July 7, 2022, the lower court issued a Form 4 Order denying Appellant’s Post-Trial Motions. For the sole purpose of preserving the issues raised and ruled on relating to those Motions, Appellant filed a Notice of Appeal with respect to that order before the deadline to appeal expired. However, Respondent’s Motion for Attorneys’ Fees and Costs and Interest has yet to be ruled on by the lower court, which is integrally related to the disposition of this entire action.

Accordingly, in the interest of judicial economy, the parties jointly respectfully request that this appeal be held in abeyance, pending the ruling of Respondent's Motion for Attorneys' Fees and Costs and Interest. *See Parker v. Shecut*, 340 S.C. 460, 492–93 531 S.E.2d 546, 563–64 (Ct. App. 2000), *rev'd on other grounds*, 349 S.C. 226, 562 S.E.2d 620 (2002) (holding there was no error in holding an appeal in abeyance, pending the outcome of a subsequent ruling in the same case, because consolidating both orders would serve the interests of judicial economy and would not prejudice either party.).

Respectfully submitted,

August 10, 2022

s/ Christina M. Brown

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