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October 14, 2022

RECEIVED
Oct 14 2022
SC Court of Appeals

VIA E-FILING TO ctappfilings@sccourts.org

South Carolina Court of Appeals
ATTN: Honorable V. Claire Allen
Chief Deputy Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

RE: Born Capital, LLC v. Caroline Beauregard
Appellate Case No.: 2020-000278

Dear Ms. Allen:

I represent the Appellant Born Capital, LLC in the above-referenced appeal, and I am in receipt of your letter dated October 11, 2022 regarding potential dates for oral arguments in this matter. In particular, your letter indicated potential argument dates of February 6, 7, 8, 9, 14, 15, or 16, 2023.

Please be advised of the following "potential" conflict with those dates. I am the Plaintiff's attorney in *Promenade at Sandhill Condominium Association, Inc. v. M.B. Kahn Construction, et al.*, Case No. 2015-CP-40-2501, which is a large construction-defect lawsuit with over a dozen defendants. Judge Clifton Newman is the Complex Case Judge for trial of that case, and on June 2, 2022 Judge Newman stated that he intends to set that case for jury trial in Richland County beginning on February 6, 2023. It is expected that this jury trial will take three (3) weeks to complete.

Yesterday I learned that the *Murdaugh* criminal trial was set for January 30 through February 17 in Colleton County, with Judge Newman presiding. It is my understanding that the *Promenade* trial discussed above would be placed in a back-up position for trial if the *Murdaugh* case does not go forward for any reason. If that occurs, the *Promenade* trial would be carried out in Richland County before Judge Clifton Newman from February 6 through February 24, 2023, and all of the dates listed for possible oral arguments would present a conflict for my schedule.

If the events unfold such that the *Promenade* trial does not start on February 6, 2023, then I would be available any of the dates listed in your October 11, 2022 letter. If you have any questions or require any additional information, please do not hesitate to contact me. By copy of this letter, I am notifying Counsel for Respondent of this communication.

Respectfully submitted and with best regards, I remain

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Flynn", written over a horizontal line.

R. Patrick Flynn

RPF:sys
cc (by email only): Andrew Lindemann, Esquire