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Dec 07 2022

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
The Honorable R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2021-001339

Phillip Francis Luke Hughes, on behalf of the Estate of Jane K. Hughes,
Petitioner,

v.

Bank of America, National Association,
Respondent.

**MOTION TO AMEND BRIEF OF RESPONDENT BANK OF AMERICA, NATIONAL
ASSOCIATION**

While reviewing the Record on Appeal and the brief of Bank of America in connection with the related appeal pending before this Court, *see* Appellate Case No. 2022-000079, counsel for Bank of America, National Association (“BANA”) determined that the statement at page 11 of BANA’s brief in this appeal that Petitioner “never asked the federal court to certify the question whether this Court should overrule or clarify its decisions” is inaccurate and should be amended to accurately reflect the Record by stating instead that:

in fact, he asked the federal district court to certify to this Court “whether the fraud claims belonging to the Estate of Jane Hughes survive” based on the same incorrect arguments. (R. pp. 159-65.) But Hughes never gave the federal court a chance to address that certification request.

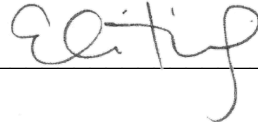
This change does not alter the issue presented or the argument made. The Table of Contents and Table of Authority should also be updated to reflect this change.

Counsel for BANA has conferred with Petitioner, who has no objection to the change proposed by BANA.

For these reasons, BANA moves to amend its brief as reflected in the attached proposed amended brief.

Dated: December 7, 2022

Respectfully submitted,



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