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RECEIVED

Apr 27 2023

SC Court of Appeals

April 24, 2023

**VIA EMAIL**

The Honorable V. Claire Allen  
Chief Deputy Clerk of Court  
South Carolina Court of Appeals  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Re: Denise M. Petersen v. DCTCL, L.P. et al.  
Appellate Case No. 2022-000938

Dear Ms. Allen:

On April 14, 2023, the South Carolina Court of Appeals issued a letter seeking a status update as to the parties' settlement efforts in the above matter by April 24, 2023. Specifically, the letter stated: "A status update is needed within 10 days from the date of this letter or this appeal will be dismissed." A copy of this letter is enclosed as Exhibit 1.

On April 24, 2023, Mr. Timbes, counsel for Respondent, wrote the Court with an update as to the parties' settlement status. It was received by the Court the same day. A copy of Mr. Timbes' letter is enclosed as Exhibit 2.

The April 14 letter from the Court did not state that *each party* was to update the Court and we agreed with the contents of Mr. Timbes' letter. Due to these reasons, we did not see the need to send a separate status update. We respectfully request the Court vacate its order dismissing the above appeal for failure to timely update the Court. Alternatively, please let us know if we need to file a motion to reinstate the appeal.

Sincerely,



Ruth Levy, Esq.

*Counsel for Defendant-Appellant TAMKO Building  
Products*

Cc: Patrick J. McDonald, Esq.  
Jessica Wilds Stratta, Esq.  
Michael A. Timbes, Esq.  
Jesse A. Kirchner, Esq.  
Sarah D. Baum, Esq.  
Thomas Happel Scurry, Esq.

# Exhibit 1



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

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April 14, 2023

Mr. Richard Hood Willis, Esquire  
1230 Main Street, Suite 330  
Columbia SC 29201

Mr. Derek Devere Tarver, Esquire  
1230 MAIN ST STE 330  
Columbia SC 29201

Mr. John Gwilym Tamasitis, Esquire  
1230 Main Street  
Suite 330  
Columbia SC 29201

Ms. Ruth Ann Levy, Esquire  
1230 Main Street  
Suite 330  
Columbia SC 29201

Re: Denise M. Petersen v. DCTCL, L.P.  
Appellate Case No. 2022-000938

Dear Counsel:

The Court issued an order dated February 2, 2023 holding this appeal in abeyance pending execution of a settlement agreement and proposed dismissal of the appeal. A status update is needed within 10 days from the date of this letter or this appeal will be dismissed.

Very truly yours,

  
CLERK

cc: Patrick J. McDonald, Esquire  
Jessica Wilds Stratta, Esquire  
Michael A. Timbes, Esquire  
Jesse A. Kirchner, Esquire  
Sarah D. Baum, Esquire  
Thomas Happel Scurry, Esquire

# **Exhibit 2**

April 24, 2023

**VIA E-MAIL ONLY**

The Honorable V. Claire Allen  
Chief Deputy Clerk of Court  
South Carolina Court of Appeals  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

**RECEIVED**  
**Apr 24 2023**  
**SC Court of Appeals**

**Re: *Denise M. Petersen, et al. v. DCTCL, L.P. d/b/a Buffington Homes, L.P., et al.***  
***Appellate Case No. 2022-000938***

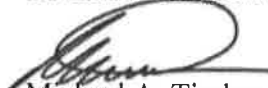
Dear Ms. Allen:

I write on behalf of Respondent Denise M. Petersen in reply to the Court's letter of April 14, 2023 seeking a status update as to the parties' settlement efforts in the above matter.

Plaintiff has reached an agreement in principle with Appellant TAMKO, which agreement also contemplates a resolution of matters in controversy between TAMKO and Donnix. Plaintiff has executed the settlement agreement, which she desires to consummate. However, we are presently awaiting word from TAMKO and Donnix as to the status of resolving their claims as part of that agreement.

Very truly yours,

THURMOND KIRCHNER & TIMBES, P.A.



Michael A. Timbes  
[michael@tktlawyers.com](mailto:michael@tktlawyers.com)

MAT/src