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May 02 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
In the Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Case No. 2016-CP-43-01521

Government Employees Insurance Company,.....Respondent,

v.

Barbara P. Jackson, as Personal Representative
for the Estate of Vincent A. Jackson,.....Appellant.

**MOTION TO STAY APPEAL
AND
PETITION TO REMAND**

Pursuant to Rule 240, SCACR, and S.C. Code Ann. § 15-51-42(C)(3), Appellant Barbara P. Jackson, as Personal Representative for the Estate of Vincent A. Jackson, and Respondent Government Employees Insurance Company (“GEICO”) jointly move that this appeal be stayed and Appellant Jackson petitions that this case be remanded for approval of a settlement reached by the parties.

This case arises out of the death of Vincent A. Jackson from injuries sustained in a motor vehicle collision in Sumter County. Appellant Barbara P. Jackson filed wrongful death and survival actions against the City of Bishopville and Bishopville Police Department. Those cases

were settled, with the wrongful death case reaching the statutory limit available under the South Carolina Tort Claims Act.

GEICO issued automobile insurance coverage, including underinsured motorist coverage for the vehicle driven by Vincent Jackson, and therefore “stepped into the shoes” of the underinsured tortfeasor in connection with the wrongful death case. The insurer filed this declaratory judgment action to determine what, if any, “stacked” underinsured motorist benefits were payable to the Jackson Estate.

Since this insurance coverage dispute arises out of a wrongful death action, any settlement must be approved by the Circuit Court, as provided in S.C. Code Ann. § 15-51-42(C)(2). Moreover, the statutory beneficiary of the wrongful death action is a minor child, Jayden Jackson, decedent’s only child. The parties therefore jointly move that this appeal be stayed and the oral argument now scheduled for May 11, 2023, be cancelled, and Appellant Jackson petitions that the case be remanded to the Circuit Court for consideration of the proposed settlement, which petition is unopposed by Respondent GEICO. Appellant Jackson will notify this Court of the Circuit Court’s decision regarding the settlement, and if the settlement is approved by the Circuit Order, then Appellant Jackson will thereafter move to dismiss this appeal. Conversely, if the Circuit Court does not approve the settlement, then Appellant Jackson will move to reschedule oral argument in this case and proceed with the appeal.

Respectfully submitted,

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**Attorneys for Respondent-Appellant
Barbara P. Jackson, as Personal
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Jackson**

April __, 2023
Columbia, South Carolina

On behalf of Respondents, we consent and approve:

s/John Robert Murphy
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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
In the Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2020-000249

Government Employees Insurance Company,.....Respondent,

v.

Barbara P. Jackson, as Personal Representative
for the Estate of Vincent A. Jackson,Appellant.

PROOF OF SERVICE

This is to certify that the undersigned counsel, an attorney with the law firm of Willoughby & Hoefler, P.A., has caused to be served this day one (1) copy of the **Joint Motion to Stay Appeal and Unopposed Petition for Remand of Appellant Barbara P. Jackson, as Personal Representative for the Estate of Vincent A. Jackson** pursuant to section (g)(3) of the South Carolina Supreme Court’s Amended Order dated May 29, 2020 via electronic mail at the email address as stated in the Attorney Information System and as set forth below to the following:

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s/ Elizabeth Zeck
Elizabeth Zeck, S.C. Bar No. 9006

May 2, 2023
Columbia, South Carolina