

The Supreme Court of South Carolina

Donald C. Austin, Respondent,

v.

Stokes-Craven Holding Corp., d/b/a Stokes-Craven Foods, Inc.,
Appellant.

Appellate Case No. 2013-000296

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SC Court of Appeals


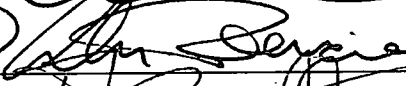
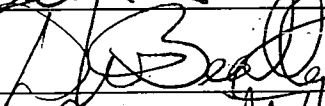
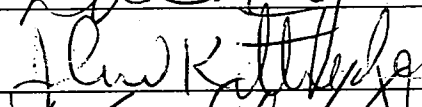
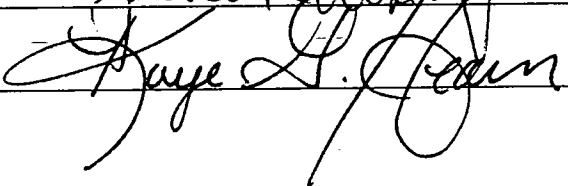
ORDER

Two appeals in this matter are pending before the Court of Appeals. Appellant moves this Court to certify, consolidate and render an expedited decision on the appeals. In the alternative, appellant requests the Court issue an extraordinary writ in its original jurisdiction. Finally, appellant asks this Court to award appellant attorneys' fees incurred in these latest proceedings in this matter, or to the extent the Court is not inclined to consider the matter of a fee award directly, remand the case to the circuit court with instructions to consider appellant's request for attorneys' fees. By way of return, respondent consents to the appeals being certified, consolidated and decided expeditiously. However, he objects to the remainder of the motion.

Appellant seeks to file objections to the return under seal. The motion is denied. *In re Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings*, 375 S.C. 56, 650 S.E.2d 462 (2007); *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 630 S.E.2d 464 (2006); *Davis v. Jennings*, 304 S.C. 502, 405 S.E.2d 601 (1991).

We hereby certify the appeals to this Court. Rule 204(b), SCACR. Thereafter, the appeals will be consolidated. Rule 214, SCACR. Moreover, resolution of the issue involved in these appeals depends solely on this Court's interpretation of its earlier opinion in this case, *see Austin v. Stokes-Craven Holding Corp.*, 387 S.C. 22, 691 S.E.2d 135 (2010), which is not susceptible to briefing by the parties. Accordingly, we will dispense with briefing and oral argument and issue an

opinion forthwith. Appellant can seek attorneys' fees as appropriate following the resolution of the appeals.


C.J.

J.

J.

J.

J.

Columbia, South Carolina

June 20, 2013

cc:

Andrew K. Epting, Jr.

Michelle Nicole Endemann

Brooks Roberts Fudenberg

C. Steven Moskos

The Honorable Jenny Kitchings