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June 19, 2023

RECEIVED
Jun 19 2023
SC Court of Appeals

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RE: John Pendarvis and Lawton Drew v. South Carolina Law Enforcement Division and South Carolina Department of Agriculture
Appellate Case Number: 2019-002006
Our File Number: 79.20234

Dear Ms. Kitchings:

I am in receipt of a Return to Petition for Rehearing filed by the Respondents on June 14, 2023. I am writing to request clarification from the Court as to whether that Return to Petition for Rehearing has been accepted by the Court for filing. Rule 221(a), SCACR, provides that “[n]o return to a petition for rehearing may be filed unless requested by the appellate court.” I have found no letter or other record of a written request being made by the Court to the Respondents to file a return per Rule 221(a). To my knowledge, that return was filed without a request being made by the Court, and for that reason, I am seeking clarification as to whether the Court has accepted that return for filing.

If the Court has requested that return from the Respondents (which I again I see no evidence of), I would appreciate the opportunity to file a reply. However, I did not want to violate Rule 221 myself by filing a reply to an unrequested and thus improper return. Hence, if the Return to Petition for Rehearing was requested by the Court and is deemed properly filed, I would request that clarification and additional time to file a reply.

Thank you for any clarification that you may provide.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb

cc: Patrick J. McLaughlin, Esquire (*Via Email Only*)
C. Bradley Hutto, Esquire (*Via Email Only*)