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June 22, 2023

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Jun 22 2023
SC Court of Appeals

Via E-Filing and U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Senate Street
Columbia, SC 29211

Re: Samantha Joanne Carwile, individually and as the Personal Representative of the Estate of Marlayna Joan Carwile v. Chris Anderson and Danielle Anderson
Appeal from Darlington County, Case No. 2020-CP-16-00299
HLF File No. 12.002

Dear Ms. Kitchings:

Today we have electronically filed and served a Notice of Appeal on behalf of Appellants/Defendants, Chris Anderson and Danielle Anderson, from multiple orders entered in the above referenced case. Enclosed is a duplicate copy of the Notice of Appeal together with our check for the \$250 filing fee. We have electronically served all other Counsel of Record as indicated by our Certificate of Service which we electronically filed along with copies of all the orders from which appeal is taken. We have also filed a copy of the Notice of Appeal in the circuit Court as required by Rule 203(d), SCACR.

At this time, we also wish to advise the Court that there are motions still pending before the Special Referee. On June 2, 2023, the Defendants filed a Rule 59(e) motion to alter or amend, and/or reconsider the Special Referee's order (filed 5/23/23) denying the Defendants' Rule 55 motion to set aside entry of default. On that same date, the Defendants also filed a post-trial motion pursuant to Rule 52 and 59 from the Special Referee's (5/23/23) Order of Default Judgment. The Defendants are filing the Notice of Appeal at this time in an abundance of caution to avoid any potential argument that might be made that the Rule 59(e) motion from the Special Referee's May 23, 2023 order denying the Rule 55 motion could be considered a successive motion under the decision in Elam v. S.C. Dep't of Transp., 361 S.C. 9, 20, 602 S.E.2d 772, 778 (2004). Appellants/Defendants will advise the Court and file an amended notice of appeal upon receipt of orders from the Special Referee on the pending motions.

The Appellants/Defendants would also advise the Court at this time that we have already received the transcript of the default damages trial, and thus, the Appellants' initial brief and designations will be due in 30 days from the filing of this Notice of Appeal – July 21, 2023. Given the fact that there are motions still pending before the Special Referee, the Appellants/Defendants would ask the Court to hold the briefing schedule in abeyance until an amended notice of appeal is filed in due course. To the extent that this request may be considered an extension motion, we are providing a separate check for the \$50 motion fee.