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June 27, 2023

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SC Court of Appeals

Via E-Filing and E-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:

We are in receipt of the Respondent’s Motion to Dismiss Appeal or Remand grounded on the fact that there are, as we previously noted in our filing cover letter, post-trial motions still pending before the Special Referee. As we also explained in our filing cover letter, we served and filed the notice of appeal in an abundance of caution to avoid any potential argument that might be made that one of the post-trial motions arguably could be considered a successive motion under the decision in Elam v. S.C. Dep't of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004).

In light of this procedural posture, we write to advise the Court that the Appellants have no objection to an order holding the appeal in abeyance and remanding to allow the Special Referee to rule on the pending post-trial motions, or in the alternative, an order of dismissal without prejudice that preserves our right to refile our appeal from all the orders after the Special Referee rules on the pending motions. We do not plan to file any formal return to the Respondent’s motion unless the Court so directs.

Kind regards,

Yours truly,

/s/ James B. Hood

James B. Hood

JBH/spc

cc [***Via E-Mail***]:

- Andrew J. MacLeod, Esquire
- Ryan C. Andrews, Esquire
- David B. Yarborough, Jr., Esquire
- Douglas E. Jennings, Esquire
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