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RECEIVED
Aug 18 2023
SC Court of Appeals

August 17, 2023

Catherine S. Harrison,
Chief Deputy Clerk
South Carolina Court of Appeals
1220 Senate St.
Columbia, SC 29201

RE: William Tomz v. Capital Investment (5), Case No. 2021-000341

Dear Ms. Harrison:

We are in receipt of your August 15, 2023 letter in the above-referenced matter notifying the parties about scheduling the case potentially for oral argument during the December 2023 term of court. We also received an email dated August 16, 2023 from Mr. Caskey, counsel for Appellant Arthur Field, wherein he advised the Court of his unavailability for the same.

On behalf of the court-appointed receiver and the 688 noteholders (over 100 of which are now deceased) of the defunct Capital Investment Funding, I am writing the Court to respectfully request that the matter be resolved *without oral argument*.

The original case was filed in 2008, and the receiver was appointed to wind up Capital Investment Funding in 2009. The litigation has been extensive in state and federal courts in South Carolina, New Jersey, Georgia, and where this matter on appeal arose, in Florida. This being Mr. Field's latest of many appeals, its resulting outcome will be the last remaining piece of litigation standing in the way of the receiver completing his court appointment.

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Notably we appreciate Mr. Caskey's service in our state legislature, and we respect Mr. Caskey's right and privilege to request these continuances. However, Mr. Caskey's legislative appointments have already resulted in numerous previous continuances - not just with this Court. Based on our long and well documented history with Mr. Caskey's representation of Mr. Field, we anticipate that Mr. Caskey will again attempt to invoke his legislative immunity when the South Carolina Legislature convenes again for six months or more, starting in January 2024.

With that being said, respectfully, we do not believe oral argument is even necessary given the straight-forward nature of Justice Toal's orders (which are the subject of the current appeal).

We fully understand that the decision about oral argument does not lie with you. However, now that it appears the matter may be continued yet again, and possibly again and again, we hope that the Court will now consider whether oral argument is necessary in order for this matter to be concluded. We beg you to consider that Justice Delayed – over and over again - is Justice Denied!

Anything that counsel for the Respondents can do to move this matter to closure, we stand ready to do.

Thank you in advance for your consideration.

Very truly yours,



George Brandt, III

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