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SC Court of Appeals

August 18, 2023

BY EMAIL

Catherine S. Harrison
Chief Deputy Clerk
South Carolina Court of Appeals
ctappfilings@sccourts.org

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

Dear Ms. Harrison:

On behalf of my client, Appellant Kathryn Taillon, I write in response to Mr. Brandt's correspondence to you dated August 17, 2023. Mr. Caskey, who represents Appellant Arthur Field, notified the Court of a conflict with the proposed oral argument dates during the first week of December. In light of this conflict, and their apparent belief that there will be future delays arising from Mr. Caskey's service as a member of the legislature, Respondents request that the Court dispense with oral argument altogether.

Appellant Taillon objects to this request. We believe oral argument would be of great value in this case. The ruling on appeal would create new law that is sharply at odds with existing precedent. Moreover, a party should not be deprived of the opportunity to present her case at oral argument simply because of a scheduling conflict.

I am constrained to observe that the urgency Respondents now assign to this matter is at odds with their conduct throughout the pendency of this litigation. For example, Respondents sought and were granted a three-month extension to file their Initial Brief. They then missed the deadline to file their Final Brief, resulting in nearly a month of additional delay. Their Final Brief was deficient, and another two weeks went by before a corrected version was filed. Thus, Respondents' ostensible concern about undue delay appears to have arisen only very recently.

Appellant Taillon requests this case be assigned oral argument according to its merits.

Respectfully,

Jeffrey P. Dunlaevy

cc: All Counsel of Record (by email)