

# RICHEY AND RICHEY

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July 10, 2013

**VIA: Facsimile and Regular Mail**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Roger Dale Kelley, Appellant, v. The Kroger Company, Respondent,  
W.C.C. File No.: 0922072  
Appellate Case No.: 2013-001324

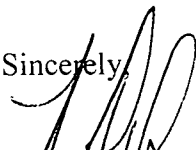
Dear Ms. Kitchings:

Please be advised that my office is in receipt of the Respondents' Motion to Dismiss Appeal, or in the Alternative, Set a Due Date for Appellant's Initial Brief. I am writing the Court to respond to this Motion.

I do apologize for the oversight in not notifying the Court and the Respondents that at the time I filed the Notice of Appeal, I had already ordered the transcripts for this matter. I have the transcripts in my possession, and I forwarded the transcripts to the Court on June 25, 2013.

Also, I have no objection to the Court setting a deadline for the filing of my Initial Brief, and I would obviously take exception to the suggestion that this oversight warrants dismissal of this appeal. Again, I apologize to the Court and to my opposing counsel for this error.

Sincerely,

  
Lola S. Richey  
Attorney at Law

Cc: Helen F. Hiser

**RECEIVED**

JUL 15 2013

**SC COURT OF APPEALS**