

**From:** [Kitchings, Jenny](#)  
**To:** ["Dunlap, Kevin A."](#)  
**Cc:** [John T. Lay Jr.](#); [Lindsay A. Joyner](#); [Curtis Ott](#); [CLO EFile](#); [Kelly Edrington](#); [Jillian Hansen](#)  
**Subject:** RE: Court of Appeals - 2020-001642 Gibbs International, Inc. v. Sarmad Harake  
**Date:** Tuesday, October 24, 2023 3:52:00 PM

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Dear Counsel,

Thank you for your email. We will not schedule this appeal during December 2023. However, we would like to schedule this appeal as soon as possible. This case can be scheduled on February 5, 6, or 13, 2024. If you have a conflict for one of those dates, you must respond to this email.

Warmly,

Jenny

**Jenny Abbott Kitchings**  
*Clerk of Court*  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
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**From:** Dunlap, Kevin A. <kevindunlap@parkerpoe.com>  
**Sent:** Monday, October 23, 2023 6:27 AM  
**To:** Kitchings, Jenny <jkitchings@sccourts.org>  
**Cc:** John T. Lay Jr. <jlay@gwblawfirm.com>; Lindsay A. Joyner <ljoyner@gwblawfirm.com>  
**Subject:** Court of Appeals - 2020-001642 Gibbs International, Inc. v. Sarmad Harake

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Ms. Kitchings:

I want to bring to the Court's attention a conflict that has arisen with the potential oral argument dates if the Court allows for argument in this matter:

- Undersigned counsel for respondent needs to have some surgery. The surgery has been scheduled for December 4, 2023 and undersigned counsel would like to have the surgery performed at that time.
- Undersigned counsel's situation is further complicated by the fact that his wife died from a

malignant brain tumor about two years ago, and he is a single parent so he is trying to balance the needs of that situation, as well as his own schedule with the surgery.

- Counsel for respondent has conferred with appellant's counsel, and they consent to the request.
- The Court has indicated it will notify the parties in November if this appeal will be granted oral argument. Undersigned counsel thought he could be available on December 5 or 7 if oral argument will be held in this matter. It simply would now be better if respondent's counsel could proceed with the surgery on December 4.
- Respondent's counsel is available at the Court's discretion any time in the new year. Appellant's counsel has a significant trial in January and is unavailable in January, but is available in February except for February 15-16 and 19-23 and is also available in March except March 4-8.

I sincerely appreciate the Court's consideration of this request.

Thank you,  
Kevin Dunlap  
Attorney for Respondent

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**Kevin Dunlap**  
Partner

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