



Robert C. Byrd  
*Partner*  
t: 843.727.2665  
f: 843.727.2680  
bobbybyrd@parkerpoe.com

Atlanta, GA  
Charleston, SC  
Charlotte, NC  
Columbia, SC  
Greenville, SC  
Raleigh, NC  
Spartanburg, SC  
Washington, DC

January 22, 2024

**RECEIVED**

**Jan 22 2024**

**SC Court of Appeals**

**VIA E-MAIL (ctappfilings@sccourts.org)**

The Honorable Jenny A. Kitchings, Clerk  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RE: Bank of the West v. Tammy Michele Epley  
Appellate Case No. 2023-001180**

Dear Ms. Kitchings:

As the Court is aware, we represent the Respondent, Bank of the West, in the above-referenced appeal filed by the Appellant, Tammy Michele Epley. When the Respondent filed its Motion to Dismiss, or Alternatively, to Require Appellant to Proceed with Filing Her Initial Brief (the "Motion to Dismiss") on November 29, 2023, we were not aware that the court reporter was using an incorrect email address to communicate with the Appellant. The court reporter has since acknowledged the mistake and informed us that the transcript has been completed.

In light of these circumstances, the Respondent wishes to **withdraw** its Motion to Dismiss. We hope that the withdrawal of the Motion to Dismiss will obviate any need on Appellant's part to file a response to the Motion, which we understand is due today.

In addition, the parties have agreed in principle to a settlement of this matter. We are simply awaiting our client's comments to the settlement agreement we drafted, and we hope to be in a position to inform the Court by the end of the week that the appeal can be dismissed. Please do not hesitate to contact me if you have any questions. With kindest regards, I remain

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Byrd', written over the typed name.

Robert C. Byrd

RCB/mrh

cc: Tammy Michele Epley (via email)

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