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Aug 23 2024

SC Court of Appeals

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August 23, 2024

VIA E-FILING

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Bonita Steed v. Antoine Heyward
Case No.: 2024-000776

Dear Ms. Kitchings:

On August 13, 2024, the Court of Appeals received a letter from Ms. DeJong, counsel for Respondents. The letter enclosed a copy of Respondents' Motion to Vacate Stay which was filed with the Trial Court. While it is not clear whether Ms. DeJong intends for this letter to serve as a standalone appellate motion, out of abundance of caution, Appellants submit this letter as notice of opposition to any motion regarding the Stay.

As this Court is well aware, "[e]xcept where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas **must first be made to the lower court** or administrative tribunal which entered the order or decision on appeal." SCACR 241 (emphasis added). Respondent has not asserted any exceptional circumstances rendering it impracticable for Respondent to first move the lower court to lift the stay. Nor are there such circumstances present in this case.

Appellants will file a formal response to Respondent's Motion to Vacate with the Trial Court. Should you have any questions or concerns, please do not hesitate to contact us. Thank you for your assistance with this matter.

Sincerely,

s/ Bijan K. Ghom

Bijan K. Ghom

cc: Karen M. DeJong, Esquire (via e-mail only)
Will Early, Esquire (via e-mail only)