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September 9, 2013

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

Re: *Pee Dee Health Care, P.A. v. Estate of Hugh S. Thompson*
Case No.: 2010-CP-16-0332
Tracking No.: 2011-185767 (1st appeal), 2011-197671 (2nd appeal), and 2011203391(3rd appeal)

Dear Ms. Kitchings:

While it may not be necessary, I am writing to make the Court aware that a Petition for Certiorari in this matter was filed with the South Carolina Supreme Court on Friday, September 6, 2013, the same day the pending Motion for Appellate Court Sanctions was submitted by Respondent to this Court.

The Petition for Certiorari relates only to the summary judgment issue found in Appeal No. 3 (2011-203391).¹ Accordingly, we would ask the court proceed an issue a remittitur with regard to the first two appeals pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.

With regard to our pending motion for sanctions in the consolidated appeals, we certainly understand if the Court prefers to wait and consider that motion after the Petition for Certiorari is addressed. If, however the Court would like to consider sanctions with regard to the 1st or 2nd appeal now that they are abandoned, we will be happy to address them separately.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.

J. René Josey

JRJ:vlb

Cc: Jay James, II, Esq. (via email only)
Benjamin R. Matthews, Esq. and Tony R. Megna, Esq.
James M. Griffin, Esq. and Ariel E. King, Esq.

¹ The Petition suggests that the second appeal deprived the trial court of jurisdiction to finalize the summary judgment order and/or the second appeal triggered a stay rendering the summary judgment reconsideration motion valid and the related appeal timely.

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