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SEP 27 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

George C. James, Jr., Circuit Court Judge

Case No.: 2013-CP-21-01483

GILBERT JARRELL, MARY LOU IRWIN, BETH A. LONG, AS EXECUTRIX OF THE ESTATE OF FREDERICK LAWRENCE IRWIN, GARY IRWIN, ROSE MARY IRWIN, JONATHAN TEAL, STACIE TEAL, NICOLA WILLIAMS, STEVEN ROLLER, BRIAN HOFFMAN, ROBIN MONTI, JOE MONTI, CHRISTOPHER HUNTLEY, JERRY BENNETT, MICHAEL BLOOM, MARKELL ERVIN, KAREN PRUITT, SHEILA GRAHAM, STEVEN HURST, APRIL OWENS AND BRITTANY SHARP, APRIL BULLARD, JAMES DOUGLAS, VINCENT EAGLETON, FRAN JACOBS, JIMMY JOHNSON, BRENDA ANNETTE FORD LOCKLEAR, LEATISHA MULDROW, AUBREY OWENS, CRYSTAL PENNEY, KATINA PIPKINS, RUDOLPH RATLEY, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF BERNICE RATLEY STEADMAN, JONATHAN WILLIAMS, BOBBY YOUNG, INDIVIDUALLY AND AS CLASS REPRESENTATIVES OF OTHERS SIMILARLY SITUATED.....Appellants

-vs-

MALINDA SCHURLKNIGHT, LEE I. SCHURLKNIGHT, LAURA SCHURLKNIGHT AND THE CITIZENS BANKRespondents

JOINT MOTION TO STAY APPEAL

Appellants and Respondents jointly request that this appeal and all deadlines set forth in the South Carolina Rules of Appellate Procedure be stayed and held in abeyance pending a final decision on the proposed settlement of this class action.

Appellants filed a Complaint on behalf of the named Plaintiffs and a class of similarly situated individuals. In the Complaint, Appellants asked for an injunction to be placed on funds held by Defendant Lee Schurlknight. The Defendants filed an Answer and opposed the requested injunction. After a hearing on the motion for an injunction, the lower court granted in part and denied in part the motion for an injunction. Appellants timely filed a Motion to Reconsider and, after that motion was denied, timely filed a Notice of Appeal.

During this same time period, Appellants and Respondents mediated this matter, and Respondents made an offer to settle the case. Since the case is a class action, any settlement will require, inter alia, Court approval of the terms of the settlement and a notice plan.

The approval procedure will take months, and multiple deadlines relating to the appeal, including but not limited to ordering a copy of the transcript and submitting initial briefs and the designation of matter, will run while the settlement approval process is on-going. If the proposed settlement receives final approval from the lower court, the issues raised in Appellants' appeal would become moot, and the Appellants would dismiss their appeal. However, if the settlement fails, all parties agree that Appellants should be able to preserve their right to appeal the trial Court's denial of the requested injunction.

Neither party wants to incur additional attorneys' fees and case expenses associated with an appeal that will likely become moot. Accordingly, the parties have agreed to stay the appeal and all associated deadlines, starting with the deadline in which to order the transcript, until such time as the proposed settlement is either finally approved or not. If the proposed settlement is

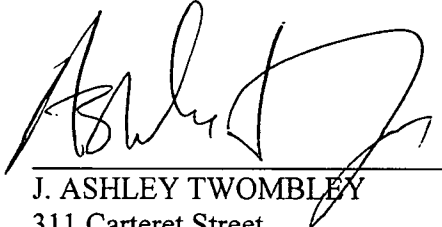
finally approved, then Appellant will dismiss the appeal. If the proposed settlement is not finally approved, then the appellate stay would be lifted, and the appellate deadlines would start running from the date the parties receive written notice that the proposed settlement was not approved. The parties jointly ask the Court of Appeals to adopt this agreement as an Order.

Respectfully submitted,

TWENGE + TWOMBLEY LAW FIRM

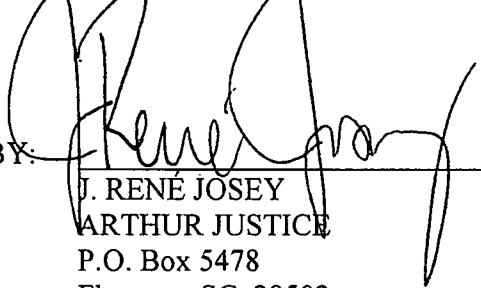
TURNER, PADGET, GRAHAM & LANEY

BY:



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BY:



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Attorneys for Defendants

September 24, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

George C. James, Jr., Circuit Court Judge

Case No.: 2013-CP-21-01483

GILBERT JARRELL, MARY LOU IRWIN, BETH A. LONG, AS EXECUTRIX OF THE ESTATE OF FREDERICK LAWRENCE IRWIN, GARY IRWIN, ROSE MARY IRWIN, JONATHAN TEAL, STACIE TEAL, NICOLA WILLIAMS, STEVEN ROLLER, BRIAN HOFFMAN, ROBIN MONTI, JOE MONTI, CHRISTOPHER HUNTLEY, JERRY BENNETT, MICHAEL BLOOM, MARKELL ERVIN, KAREN PRUITT, SHEILA GRAHAM, STEVEN HURST, APRIL OWENS AND BRITTANY SHARP, APRIL BULLARD, JAMES DOUGLAS, VINCENT EAGLETON, FRAN JACOBS, JIMMY JOHNSON, BRENDA ANNETTE FORD LOCKLEAR, LEATISHA MULDROW, AUBREY OWENS, CRYSTAL PENNEY, KATINA PIPKINS, RUDOLPH RATLEY, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF BERNICE RATLEY STEADMAN, JONATHAN WILLIAMS, BOBBY YOUNG, INDIVIDUALLY AND AS CLASS REPRESENTATIVES OF OTHERS SIMILARLY SITUATED.....Appellants

-vs-

MALINDA SCHURLKNIGHT, LEE I. SCHURLKNIGHT AND LAURA SCHURLKNIGHT.....Respondents

CERTIFICATE OF SERVICE

The undersigned, Andrea Smith, hereby avers that she is a Paralegal with TWENGE + TWOMBLEY LAW FIRM, Attorneys for Appellants, and that on the 25th day of September 2013 a true and accurate copy of the attached Joint Motion to Stay Appeal was placed in an envelope with first class postage thereon prepaid through the United States Postal Service and mailed to the following:

J. René Josey, Esquire
Arthur E. Justice, Esquire
Turner, Padget, Graham, & Laney, P.A.
319 S. Irby Street
P.O. Box 5478
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Telephone: (843) 656-4451
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rjosey@turnerpadget.com
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Attorney for Respondents,
Malinda Schurlknight, Lee I. Schurlknight and Laura Schurlknight

BY:

A handwritten signature in black ink, appearing to read "Andrea Smith", written over a horizontal line.

Andrea Smith, Paralegal to
TWENGE + TWOMBLEY LAW FIRM

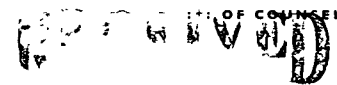
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J. ASHLEY TWOMBLEY*
KARL D. TWENGE
JENNIFER I. CAMPBELL*

*: LICENSED IN SC + GA



SEP 27 2013

SC Court of Appeals

September 25, 2013

Via U.S. Mail

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

RE: Gilbert Jarrell, et al. v. Malinda Schurlknight, et al.
Case No.: 2013-CP-21-01483

Dear Ms. Kitchings:

Enclosed for filing, please find the original and two copies of a Joint Motion to Stay Appeal and Certificate of Service in the referenced matter. I would appreciate it if you would have the original filed and the file stamped copies returned to me the enclosed self-addressed stamped envelope. Enclosed is my firm's check in the amount of \$25.00, which represents the requisite filing fee.

By copy of this letter I am serving the same upon opposing counsel.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

With kindest regards, I remain,

Cordially,

J. Ashley Twombley

cc: J. René Josey, Esquire
Arthur E. Justice, Esquire

TWENGE + TWOMBLY LAW FIRM, LLC

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The Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
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