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October 4, 2013

Honorable Daniel Shearouse
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

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S.C. SUPREME COURT

Re: Hammer v. Hammer, Case No. 2009-CP-40-05911, Appellate Tracking No. 2013-001635
1634 Main LP v. Shirley Hammer, Case No. 2010-CP-40-2889, Appellate Tracking No. 2013-001634, 2013-001707

Dear Mr. Shearouse and Ms. Kitchings:

Please consider this a response to Ms. Weissenstein's Motion to Dismiss filed subsequent to her Motion to Consolidate and Expedite and prior to the Order of the Supreme Court granting consolidation and remanding to the Lower Court with requirement of any appeal by September 23, 2013. Please also consider this response made specifically reserving and not waiving any and all rights specifically reserved and not waived in previous filings in regard to this matter, including but not limited to all rights guaranteed under the State and Federal Constitution and specifically those of due process and equal protection.

It is respectfully urged that the Order of the Supreme Court which included a requirement that Notice of Appeals from the Circuit Court be served and filed by September 23, 2013, necessarily made the Motion to Dismiss moot. Not only did the parties involved have ten days from September 23, 2013, to make appropriate request for transcript, but moreover the Court's record contains correspondence conclusively evidencing appropriate request for transcript in accord with Rule for both the initial appeals and the appeals filed September 23, 2013.

It is respectfully submitted that the Motion to Dismiss the initial appeal be determined moot, and contrary to the evidence of record and that accordingly the motion of Stephanie Weissenstein, Esquire of the Ballard Law Firm be dismissed.

Very Truly Yours,



Howard Hammer

cc: Arthur K. Aiken, Esquire
Susan Lipscomb, Esquire
Desiree Allen
Karen Ambroziak
Crystal M. Holmes
Hattie O. Gordon
Stephanie Weissenstein, Esquire