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Apr 28 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Otis OwensAppellant,

v.

Sheriff Michael Hunt, Matthew Gibson,
Certain Underwriters at Lloyd’s, London
subscribing to Policy No. PK 1022716,
Brit Global Specialty USA d/b/a Brit
Global, RiverStone Insurance Limited,
RiverStone International, and Robbie
Vaughn,

..... Respondents.

Appellate Case No. 2024-001184

DISMISSAL OF APPEAL

Appellant respectfully requests that his appeal be dismissed. This case involves a request for a declaration related to two other actions, one in State Court and one in Federal Court. Because of the plain language of the Declaratory Judgment Act, Appellant believes dismissal was improper. However, one of the related actions is currently on appeal in this Court, and the other is pending in Federal Court. Appellant will continue to litigate those cases and does not waive anything related to those cases with this dismissal. Appellant has consulted with opposing counsel and sought confirmation that neither Hunt nor the Aiken County Sheriff’s Office would argue that anything has been waived with a dismissal. While opposing counsel would not confirm the same in writing, opposing counsel did not articulate any reasons waiver could be argued for any case as a result of the dismissal of this appeal. Based on Appellant’s continued litigation of the two related cases and

opposing counsel not articulating any reason why waiver might ever be argued, Appellant requests that his appeal be dismissed. Appellant intends to seek an excess verdict at the trial of the case in Federal Court and does not waive any right to do so with this dismissal. For the foregoing reasons, Appellant respectfully requests that the appeal be dismissed.

Respectfully submitted,

s/ Joshua T. Hawkins

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PROOF OF SERVICE

I certify that on this date, April 28, 2025, I filed the foregoing **Dismissal of Appeal** in the above matter, as requested by the Court, via electronic filing, to ctappfilings@sccourts.org. A copy was also served on Respondents via electronic service, addressed to the attorney of record below by email:

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