

# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211  
1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499  
[www.sccourts.org](http://www.sccourts.org)

October 17, 2013

Mr. William Isaac Diggs  
1700 Oak Street, Suite D  
Myrtle Beach SC 29577

Re: Cary Graham v. Malcolm Babb  
Appellate Case No. 2013-000860  
Lower Court Case No. 2004-CP-26-3498

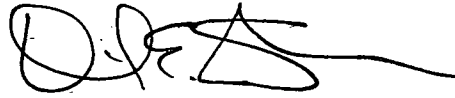
Dear Counsel:

This responds to your letter asking that the petition for a writ of certiorari be dismissed in the above matter. If you want to dismiss this matter, it will be necessary for you to make a formal motion seeking that relief.

Since I do not see where this Court has issued any order remanding this case to the lower court to consider any settlement, I would ask that any motion to dismiss include a copy the order that has been issued by the lower court and address how such an order could have been issued while this matter is pending before this Court. *Lancaster v. Georgia-Pacific Corp.*, 403 S.C. 136, 742 S.E.2d 867 (2013) ("Finally, because the issue of parties submitting settlement agreements to the lower court while the matter is pending before this Court has arisen with increasing frequency of late, we hereby remind the bench and bar that action on a settlement may not be taken by the lower court, except with regard to matters not affected by the appeal, while the matter is pending before this Court. The parties must first

seek to have the matter remanded to the lower court.").

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. J. [unclear]', with a long horizontal flourish extending to the right.

CLERK

cc: Frank H. DuRant, Esquire  
Ms. Brenda Babb