

**THE STATE OF SOUTH CAROLINA**

In the Court of Appeals

**APPEAL FROM ANDERSON COUNTY**

Court of Common Pleas

The Honorable Robin B. Stilwell, Circuit Court Judge

**RECEIVED**

NOV 26 2013

**SC Court of Appeals**

Appellate Case No.: 2012-205726

The Estate of Gordon Bridwell by Raymond Eddie Bridwell, Personal Representative,  
.....Respondent

v.

Life and Hope Assembly of God, Mary Ellen Harris, and John Doe, Representing unknown  
persons claiming to Life and Hope Assembly of God.....Appellants.

**REPLY TO RETURN OF PETITION TO REINSTATE APPEAL  
AND RECALL THE REMITTUR**


The undersigned attorney, on behalf of the Appellants, hereby replies to Respondent's  
Return to the Petition to Reinstate the Appeal and Recall the Remittur.

Respondent solely relies upon the case of *Wise v. South Carolina Dept. of Corrections*,  
372 S.C. 173 (2007) in arguing that this Court no longer has jurisdiction to recall its own  
Remittur in this matter.

Respondent misinterprets the statements contained in *Wise v. South Carolina Dept. of Corrections*, 372 S.C. 173 (2007). Defendant narrowly interprets such holding to be only limited to not only the inadvertence of the Court of Appeals but any mistakes or errors must also be solely by the Court of Appeals. Appellants assert such a reading is too narrow. Appellants properly served Respondent the appeal and have proven that said Appeal was "served" according to the Rules by the affidavit of service attached hereto and the receipts of actual mailing showing the mailing was accepted by the U.S. Postal Service (attached to Appellant's Original motion to Reinstate and Recall the Remittur).

To read *Wise v. South Carolina Dept. of Corrections*, 372 S.C. 173 (2007) in the narrow fashion that Respondent suggests would lead to harsh results beyond the control of Appellants and would leave Appellants to the whim of outside forces, such as the U.S. Postal Service.

Respondent admits that the error was that of the U.S. Postal Service and Appellants assert that their appeal should be reinstated and the Remittur properly recalled as a result of the error of the U.S. Postal service.



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November 26, 2013

**ATTORNEY FOR APPELLANT**

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**PROOF OF SERVICE**

I certify that I have filed an original and six copies of Appellant's Reply to Respondent's Return to Petition to Reinstate the Appeal and Recall the Remittur by hand delivering the same on November 26, 2013 addressed to:

The Honorable Jenny Abbott Kitchings  
1015 Sumter Street  
Columbia, SC 29212

and by sending one copy of the same via facsimile and U.S. Mail addressed to:

George E. LaFaye, IV  
201 Whitsett Street  
Greenville, SC 29601

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