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May 04 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
In the Court of Common Pleas for the First Judicial Circuit

The Honorable Benjamin C.P. Sapp, Special Referee

Appellate Case No. 2024-001412

John Grooms, Jr., As Personal Representative for the Estate of
Patricia Ann Grooms.....Respondent,

v.

Barrel House Grille, LLCAppellant.

APPELLANT'S CONSENT MOTION TO DISMISS APPEAL

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*Counsel for Appellant Barrel House Grille,
LLC*

APPELLANT'S CONSENT MOTION TO DISMISS APPEAL

AND NOW COMES Appellant Barrel House Grille, LLC ("Barrel House"), by and through its undersigned counsel, with the consent of opposing counsel, and moves this Court for an Order dismissing this appeal:

1. Respondent John Grooms, Jr., As Personal Representative for the Estate of Patricia Ann Grooms ("Plaintiff") filed this action on January 30, 2024 in the Court of Common Pleas of Colleton County, South Carolina.

2. On May 14, 2024, Plaintiff filed a Notice of Motion for Default Judgment. the Honorable Robert C. Bonds entered an Entry and Order of Default and referred the matter to a Special Referee for a determination of damages and the entry of judgment:

3. By Order of Damages dated June 14, 2024 (and filed on June 17, 2024), after conducting a hearing, Special Referee Benjamin C.P. Sapp directed the entry of judgment in the amount of \$10 million.

4. On August 27, 2024, Barrel House filed a Motion to Vacate Judgment Pursuant to SCRCP 60 ("Motion to Vacate") in the Circuit Court because of "mistake, inadvertence and/or excusable neglect due to the grave illness and resulting death of Defendant's prior attorney Kenneth 'KC' Campbell, Jr. that led directly to the entry of default and entry of the Order of Damages." (*See Aug. 27, 2024 Mot. to Vacate J. Pursuant to SCRCP 60, at 1*).

5. On the same day, out of an abundance of caution, Appellant Barrel House also filed the instant appeal from the Order of Damages.

6. On December 4, 2024, upon consent Motion, this Court entered an order holding this appeal in abeyance.

7. On October 15, 2025, the trial court granted Barrel House's Motion to Vacate the default judgment. Plaintiff then filed a motion for reconsideration, which the trial court denied on February 20, 2026.

8. On April 10, 2026, this Court advised the parties that: "This appeal will no longer be held in abeyance. The initial brief of appellant and designation of matter is due to be served and filed with thirty (30) days of the date of this letter."

9. In light of the granting of Appellant's Rule 60 Motion to Vacate, this appeal is moot.

10. Therefore, Appellant hereby moves this Court to dismiss this appeal, with each party to bear its own costs.

11. Counsel for Plaintiff has consented and agreed to the relief requested herein.

WHEREFORE, for the foregoing reasons, Appellant Barrel House Grille, LLC moves this Honorable Court to dismiss this appeal.

WE CONSENT

PARKER LAW GROUP, LLP

By: John E. Parker *by consent*
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Counsel for Respondent John Grooms, Jr., As Personal Representative for the Estate of Patricia Ann Grooms

May 4, 2026

WE SO MOVE

BARNWELL WHALEY PATTERSON & HELMS, LLC

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PROOF OF SERVICE

I certify that I have served the **APPELLANT'S CONSENT MOTION TO DISMISS APPEAL** on counsel for the above-referenced Respondent by email in accordance with the South Carolina Supreme Court's Order re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022) on May 4, 2026, addressed to her attorneys of record:

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