

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Roger M. Young

RECEIVED
DEC 23 2013
SC COURT of Appeals

Case No. 2008-CP-07-04113

South Carolina Electric & Gas,Appellant,

v.

Evva A. Anderson and Michael S. Anderson,.....Respondents.

STIPULATION OF DISMISSAL WITH PREJUDICE

Appellant South Carolina Electric & Gas hereby moves for an order dismissing this appeal with prejudice as the parties have reached a compromise and executed a settlement agreement resolving all disputes arising out of this appeal or the proceedings giving rise to this appeal. In accordance with Rule 260(b), SCACR, the Respondents have consented to the dismissal of this appeal with prejudice as evidenced by counsel's signature below.

This appeal concerns a verdict of the jury entered on April 17, 2012, against the Appellant and the Honorable Roger M. Young's Order dated May 15, 2012, and entered May 17, 2012, granting the Respondents' Motion for Statutory Interest and denying the Appellant's Motion for a New Trial Absolute, or alternatively a New Trial *Nisi*

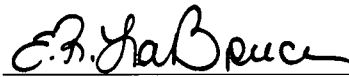
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Remittitur. The trial in this case took place on April 17, 2012, and lasted one day. On June 22, 2012, the transcript of the proceedings in this case was ordered from the court reporter, Ms. Deborah E. Everett. On June 25, 2012, the Appellant was informed that Ms. Everett was no longer registered as a court reporter with the Office of Court Administration for the State of South Carolina; therefore, the Appellant requested a transcript of the trial proceedings from the Office of Court Administration on June 25, 2012.

On September 6, 2012, the Appellant notified Court Administration that the transcript had not been timely received and an extension had not been requested by the court reporter. Despite an additional two notices to Court Administration, the Appellant has not received the transcript, nor has it received notification of an extension from the court reporter or any party. To avoid the continued cost of litigation, the Appellant and the Respondents have mutually agreed that these proceedings be dismissed with prejudice and the parties wish to execute this Stipulation of Dismissal With Prejudice to memorialize their consent.

WHEREFORE, for the reasons stated herein, Appellant hereby requests that the court enter an Order of Dismissal in accordance with Rule 260(b), SCACR.


Respectfully submitted,



E. Richardson LaBruce, SC Bar No. 80106
Mikell, Weidner, Wegmann & Harper, LLC
Post Office Box 1727
Beaufort, South Carolina 29901
(843) 524-2110
Attorney(s) for Appellant

December 12, 2013

CONSENTED TO:



Matthew Vernon Creech
PETERS, MURDAUGH, PARKER, ELZROTH & DETRICK, PA
Post Office Box 2500
Ridgeland, South Carolina 29936
(843) 726-6131
Attorney for Respondents

THE STATE OF SOUTH CAROLINA
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The Honorable Roger M. Young

Case No. 2008-CP-07-04113

South Carolina Electric & Gas,Appellant,

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Evva A. Anderson and Michael S. Anderson,.....Respondents.

PROOF OF SERVICE

I certify that I have served the **Stipulation of Dismissal with Prejudice** on Evva A. Anderson and Michael S. Anderson by depositing a copy of it in the United States Mail, postage prepaid, on **December 18, 2013**, addressed to their attorney of record, Matthew Vernon Creech, Post Office Box 2500, Ridgeland, South Carolina 29936.



E. Richardson LaBruce, SC Bar No. 80106
Mikell, Weidner, Wegmann & Harper, LLC
Post Office Box 1727
Beaufort, South Carolina 29901
(843) 524-2110

Attorney(s) for Appellant

December 18, 2013

MIKELL, WEIDNER, WEGMANN & HARPER, LLC

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6 Professional Village Circle
Beaufort, South Carolina 29907

December 18, 2013

Via U.S. Mail and Facsimile (803-734-1839)

The Honorable Jenny Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

DEC 23 2013

SC Court of Appeals

Re: South Carolina Electric & Gas, Appellant, v. Evva A. Anderson and Michael S. Anderson, Respondents, Civil Action No. 2008-CP-07-04113
Appellate Court Case No. 2012-212334
Our File No. 2490.0024

Dear Ms. Kitchings:

I represent the Appellant in this matter, South Carolina Electric & Gas, and I am pleased to inform the Court that the parties have executed a settlement agreement and compromise of this case. Accordingly, I have the authority to request that my client's *Notice of Appeal* be dismissed as moot and, pursuant to Rule 260(b), SCACR, the Respondents have consented to the dismissal as evidenced by the enclosed *Stipulation of Dismissal With Prejudice*. We would greatly appreciate it if you would enter an *Order of Dismissal* in accordance with Rule 260(b), SCACR. Thank you for your cooperation.

With highest regards, I am,

Very truly yours,

MIKELL, WEIDNER, WEGMANN & HARPER, LLC



E. Richardson LaBruce
Attorney for Appellant

Enclosures: (1) Original and seven copies of *Stipulation of Dismissal with Prejudice*;
(2) *Proof of Service* of the same on the Respondents; and,
(3) A motion fee of \$25.00.

Cc: Matthew Vernon Creech, Esq. (via e-mail and U.S. mail)
SCE&G c/o Jay A. Bressler, Esq. (via e-mail and U.S. mail)