

December 26, 2013

The Honorable Jenny Abbott Kitchings
Clerk of the Court of Appeals
P.O. Box 11629
Columbia, SC 29211

KEVEN K. KENISON
(1964-2013)
THOMAS E. DUDLEY, III
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Practicing Attorney in South Carolina
M. STOKELY HOLDER
Practicing Attorney in South Carolina
TOWNES B. JOHNSON, III
Practicing Attorney in South Carolina
F. LEE PRICKETT, III
Practicing Attorney in South Carolina

Re: Kevin McCarthy, et al. vs. S&ME, Inc., et al.
Appellate Case No.: 2013-001843

Dear Ms. Kitchings:

We are in receipt of your letter of December 18, 2013 concerning the above referenced appeal (copy enclosed). That letter states that "the times for perfecting this appeal will run from the service of the last notice of appeal", which was served on December 9, 2013. I understand the question of appealability was raised because of the then pending motion to reconsider. As that matter was denied, it is clear that the granting of summary judgment dismissing S&ME, Inc. from the case is appealable, as is the denial of the motion to amend.

We are also enclosing a copy of the Court's November 20, 2013 Order which states that the deadlines "are currently held in abeyance pending the Court's decision on the issue of appealability." It is our understanding that the time is still being held in abeyance pending the court's ruling on that issue. If we are mistaken, please advise our office as soon as possible.

We are writing to request clarification as to the filing deadlines as we not yet received any decision from the Court of Appeals on the issue of appealability.

Thank you for your assistance in this matter and we look forward to your response.

Very truly yours,

Kenison, Dudley & Crawford, LLC


Helen Cotrone
Legal Assistant

Enclosures
cc: Elizabeth H. McMillan
Stephanie H. Burton
Kevin & Courtney McCarthy
(All of the above w/o enclosures)

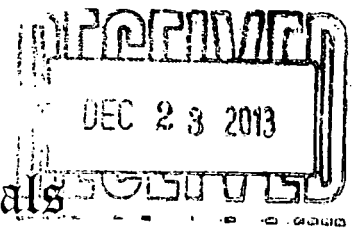
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DEC 30 2013

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29201
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December 18, 2013

Mr. Thomas Elihue Dudley, III
704 E. McBee Ave.
Greenville SC 29601

Mr. Townes Boyd Johnson, III
704 E. McBee Ave.
Greenville SC 29601

Re: Kevin McCarthy v. The Cliffs Communities
Appellate Case No. 2013-001843

Dear Counsel:

This Court has received multiple notices of appeal in this matter. These appeals will be consolidated for consideration by the Court under the South Carolina Appellate Court Rules (SCACR), and we anticipate receiving one record on appeal. The times for perfecting this appeal will run from the service of the last notice of appeal.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings". The signature is written in a cursive style and includes a flourish at the end.

CLERK

cc: Stephanie Holmes Burton, Esquire

A rectangular stamp with the word "RECEIVED" in large, bold, outlined letters.

DEC 30 2013

SC Court of Appeals

The South Carolina Court of Appeals

Kevin McCarthy and Courtney R. McCarthy, Appellants,

v.

The Cliffs Communities, LLC d/b/a The Cliffs at Keowee Falls South; Keowee Falls Investment Group, LLC; Cliffs Real Estate, Inc., The Cliffs Golf and Country Club, Inc.; and S&ME, Inc., Defendants,

Of whom S&ME, Inc. is the Respondent.

Appellate Case No. 2013-001843

The Honorable Clifton Newman
Greenville County
Trial Court Case No. 2011CP2306376

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ORDER

Appellants have filed a motion to amend the notice of appeal in this case. No return has been filed. Accordingly, the motion is granted. All parties are advised that filing deadlines in this matter are currently held in abeyance pending the Court's decision on the issue of appealability.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

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DEC 30 2013

SC COURT OF APPEALS

FILED

11/20/13 EAC

Columbia, South Carolina

cc:

Thomas Elihue Dudley, III, Esquire

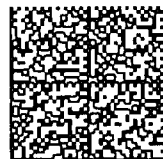
Townes Boyd Johnson, III, Esquire

Stephanie Holmes Burton, Esquire

KENISON, DUDLEY & CRAWFORD, LLC

A T T O R N E Y S A T L A W

704 East McBee Avenue • Greenville, South Carolina 29601



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SC COURT OF APPEALS

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