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(Not for Confidential Communication)

May 29, 2012

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

RECEIVED  
MAY 30 2012

RE: Butler, Leon v. Wilson, William  
Case Tracking # 2011198586

SC Court of Appeals

Dear Mrs. Kitchings:

On May 2, 2012, I hand delivered and filed in your office an original and six (6) copies of Respondent's Notice of Motion and Motion to Dismiss Appellant's Appeal for Failure to Comply with the South Carolina Appellate Court Rules or, in the Alternative, to Strike from Appellant's Initial Brief, Appellant's Initial Reply Brief, and Appellant's Designation of Matter to be Included in the Record on Appeal documents and/or statements which were not presented to the trial court and matter which is not relevant to the appeal. The Respondent's Motion was accompanied by the requisite Memorandum of Authorities, Proof of Service upon Appellant's counsel, and motion fee of \$25.00.

It is my understanding that the Respondent's above referenced Motion to Dismiss Appellant's Appeal automatically stays the time limits for perfecting the appeal until the motion is decided. Rule 240(b) SCACR provides in relevant part:

**“(b) Stay of Time Limits.** Unless otherwise provided by these Rules, or ordered by the appellate court, the time limits imposed by these Rules shall not be stayed by the filing of a motion or petition. A motion to dismiss an appeal or a motion to relieve counsel shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided.”

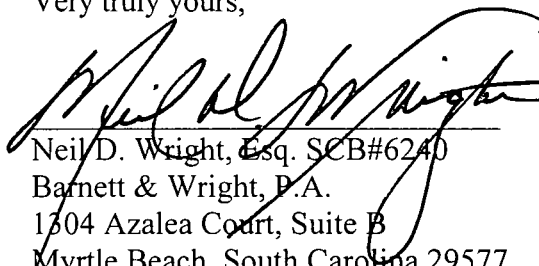
Despite hand delivered service of the Respondent's Motion to Dismiss Appellant's Appeal on May 2, 2012, counsel for the Appellant has chosen to move forward with preparation, service, and filing, on or about May 22, 2012, of the proposed Record on Appeal.

Based upon the date of service of the Record on Appeal, the Respondent's Final Brief would otherwise be due on June 11, 2012 in accordance with Rule 211(a), SCACR. However, pursuant to Rule 240(b), SCACR, it would be pointless for the Respondent to prepare, serve, and file a Final Brief until the Respondent's Motion to Dismiss Appellant's Appeal is decided. It is my hope that your office will clarify this matter by confirming that the time limit for filing the

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Respondent's Final Brief has been automatically stayed until the Court decides the Respondent's Motion to Dismiss Appellant's Appeal.

Very truly yours,



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