



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH-CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

March 7, 2014

Todd W. Smyth, Esquire
234 Seven Farms Drive
BB&T Plaza, Suite 215
Charleston SC 29492

Re: O'Meara, Elizabeth v. Brookdale Senior AND Pruett, Yvonne v. Brookdale
Senior AND Janet Scheerle v. Brookdale Senior
Appellate Case No. 2011-199666

Dear Mr. Smyth:

This responds to your letter dated February 27, 2014.

Please remember that if circuit court approval is required for the settlement, you will need to submit the proposed agreement to this Court under Rule 261(b), SCACR,¹ and move to have the case remanded to the circuit court to consider whether the settlement agreement should be approved. *Turner v. Georgia-Pacific Corp.*, 403 S.C. 136, 742 S.E.2d 867 (2013) ("[B]ecause the issue of parties submitting settlement agreements to the lower court while the matter is pending before this Court has arisen with increasing frequency of late, we hereby remind the bench and bar that action on a settlement may not be taken by the lower court,

¹ "If a settlement agreement relates to a matter that is pending before an appellate court, the settlement agreement need not be submitted to the appellate court unless approval by the appellate court, a lower court or tribunal is required before the agreement can be effective, or the parties desire to have the agreement approved by the appellate court."

except with regard to matters not affected by the appeal, while the matter is pending before this Court. The parties must first seek to have the matter remanded to the lower court.")

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Kelly McPherson Jolley, Esquire
Manton M. Grier, Jr., Esquire
Marcus Angelo Manos, Esquire
Susan Taylor Wall, Esquire
Amber B. Martella, Esquire
Kathleen Gillespie Chewning, Esquire
Manton M. Grier, Esquire