

THE STATE OF SOUTH CAROLINA
In The Supreme Court

69884

APPEAL FROM CHARLESTON COUNTY
Master-In-Equity

Mikell Scarborough, Master-in-Equity

Case No. 2008-CP-10-5661

Carolyn Smalls, Respondent,

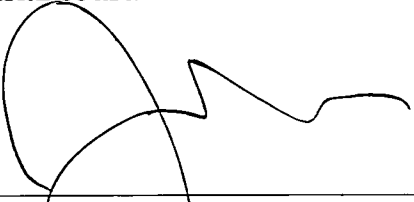
v.

Floyd D. Sanders, Appellant.

MOTION TO DISMISS APPEAL WITHOUT PREJUDICE TO ENTER
SETTLEMENT AGREEMENT

Pursuant to Rule 240, SCACR, the Appellant, Floyd Sanders, with the consent of Respondent, Carolyn Smalls, moves that the Court dismiss this appeal without prejudice for the purpose of petitioning the trial court for approval of a negotiated settlement. Should settlement be consummated, the Appellant further requests that the Court dismiss this appeal with prejudice upon request of the parties and the production of a filed order of settlement from the trial court.

September 24, 2013



John Edward Robinson
36 Broad Street
Charleston, SC 29401
(843) 723-5152
Attorney for Appellant

RECEIVED

SEP 25 2013

SC Court of Appeals

I CONSENT TO THE RELIEF
REQUESTED IN THIS MOTION:



Charles Goldberg
61 Broad Street
Charleston, SC 29401
Attorney for Respondent
(843) 720-2800

THE STATE OF SOUTH CAROLINA
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APPEAL FROM CHARLESTON COUNTY
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Case No. 2008-CP-10-5661

Carolyn Smalls, Respondent,


v.

Floyd D. Sanders, Appellant.

AFFIDAVIT OF SERVICE

I certify that I have served the Motion to Dismiss Appeal Without Prejudice on Carolyn Smalls, by personally delivering a copy of it to her attorney of record, Charles Goldberg, at his office at 61 Broad Street, Charleston, South Carolina, 29401, on September 24, 2013.

September 24, 2013



John Edward Robinson
36 Broad Street
Charleston, SC 29401
(843) 723-5152
Attorney for Appellant

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SC Court of Appeals

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Charleston, SC 29402

September 24, 2013

VIA FIRST CLASS MAIL

The Honorable Jenny Abbot Kitchings

Clerk, SC Court of Appeals

P.O. Box 11629

Columbia, SC 29211

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SEP 25 2013

SC Court of Appeals

RE: Carolyn Smalls, Respondent, v. Floyd Sanders, Appellant, Case No. 2008-CP-10-5661.

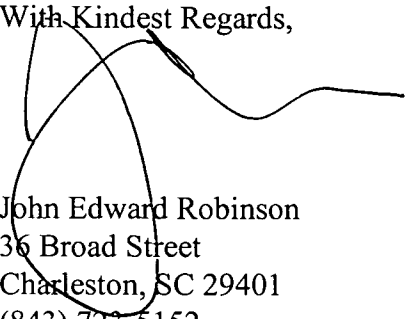
Dear Ms. Kitchings:

Pursuant to Rule 240, SCAR, you will please find enclosed:

- (1). A Motion to Dismiss Without Prejudice to Approve Settlement Agreement for the above-captioned case together with the consent signature of opposing counsel;
- (2). A Certificate of Service for the Motion;
- (3). Six (6) copies of the Motion and Affidavit(s) in compliance with applicable rules.
- (4). A filing fee of \$25.00.

It is the intention of the parties that this Motion, which is consented to by opposing counsel, result in this action being dismissed without prejudice to the Hon. Mikell Scarborough, so that he may approve the settlement of the parties. This motion was filed after consultation with Court staff on the best manner in which to proceed. If the filing is deficient or you have questions or concerns about the filing please do not hesitate to contact me. I thank you in advance for any courtesies extended.

With Kindest Regards,



John Edward Robinson
36 Broad Street
Charleston, SC 29401
(843) 723-5152
Attorney for Appellant

Other Counsel of Record:

Charles Goldberg
61 Broad Street
Charleston, SC 29401
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