

# The Supreme Court of South Carolina

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April 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

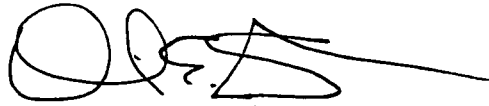
Dear Counsel:

By letter dated February 27, 2014, you advised this Court that the parties were in the process of settling this matter. Since that time, this office has made several follow-up contacts to determine the status of this settlement.

While the Court has been delaying any further consideration of this matter based on the pending settlement, the Court will no longer do so if it is not advised that the parties have finalized the agreement by April 25, 2014. Further, if court approval is necessary or desired for the agreement pursuant to Rule 261(b),

SCACR, the agreement should be submitted to this Court by that date.

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

**RULE 261**  
**AGREEMENTS AND SETTLEMENTS**

**(a) Agreements Generally.** Any agreement submitted to the appellate court for its consideration shall be in writing and signed by the parties or their attorneys. Further, any agreement submitted to the appellate court shall be public unless a motion to seal is filed and the appellate court determines that the matters should be sealed under the standard provided by Rule 41.1, SCRCP.

**(b) Settlement Agreements.** 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.

**(c) Agreements Regarding Rules.** Any agreement to modify a requirement of these Appellate Court Rules must be approved by the appellate court.

**(d) Vacation of Prior Opinions, Orders or Judgments.** In the agreement, the parties may request vacation of opinions, orders, decisions and judgments previously issued in the matter. The agreement must set forth the facts that warrant this extraordinary relief. If the matter is pending before the Supreme Court and the agreement requests the vacation of an order or opinion of the Court of Appeals, the Supreme Court, in its discretion, may seek a recommendation from the Court of Appeals regarding the request for vacation. If an agreement containing a request for vacation is rejected, the parties may resubmit the agreement without the request for vacation.

Last amended by Orders dated January 28 and 29, 2009, effective April 29, 2009; by Orders of the same date.