

**Hopkins, Debbie**

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**From:** Claude Tackett <ctackett@smythwhitley.com>  
**Sent:** Monday, April 28, 2014 11:04 AM  
**To:** Hopkins, Debbie  
**Cc:** Wall, Susan; Barnes, Kathleen; Todd Smyth; Katie Rhodes  
**Subject:** O'Meara/Pruett/Scheerle vs. Brookdale Senior Living, Inc., et al

Dear Ms. Hopkins:

Thank you for your phone call this morning regarding the parties' Consent Motion to Remand the above-referenced consolidated cases. I have spoken to Counsel for Respondents and we agree on the following reasons as to why the Settlement Agreements attached to our Motion are not signed.

The *Pruett* and *Scheerle* cases contain wrongful death and/or survival claims. As such, South Carolina Code sections 15-51-41 and 15-51-42 require the settlement of these two cases to be approved by the Circuit Court where the actions are pending. The reason Appellant's filed the Consent Motion to Remand is so the Plaintiff's may petition the Circuit Court for approval of the settlements. Until such approval is granted, it is the parties' understanding of the law that the personal representatives of the respective estates do not have authority to execute the Settlement Agreements.

Therefore, that is why the Settlement Agreements were not signed. Assuming the Supreme Court grants our Motion to Remand, Plaintiff's will proceed with petitioning the Circuit Court for its approval, after which time the Settlement Agreements will be executed. We did not execute the *O'Meara* Settlement Agreement because the three cases are consolidated and we wanted to treat them the same for purposes of filing the Motion to Remand.

I hope this answers the Court's question and please contact me if there are any other concerns.

Kindest Regards,

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