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April 25, 2014

VIA U.S. MAIL & FACSIMILE (803.734.1839)
Jenny Abbott Kitchings, Clerk of Court
V. Claire Allen, Deputy Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

APR 25 2014

SC Court of Appeals

Re: Riley, Laura v. Ford Motor Company
Appellate Case No.: 2012-207489

Dear Ms. Kitchings and Ms. Allen:

I am writing to address an issue I discussed with Ms. Allen yesterday, April 24th. As Respondents, the Estate of Riley petitioned for rehearing and contemporaneously made a suggestion for rehearing *en banc*. Rehearing was denied by the original panel on April 3, 2014. However, Respondent's suggestion for rehearing *en banc* has not been ruled upon.

Rule 242(c) of the Appellate Court Rules states that a "petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals." Furthermore, the Rule requires that counsel certify to the Supreme Court that the appeal below has been "finally ruled on by the Court of Appeals."

Because we have not received a ruling on the suggestion for rehearing *en banc*, the ultimate question is whether we have received a "final" decision by the Court and by extension, when petitions for certiorari must be served to this Court, the Supreme Court, and all counsel of record pursuant to Rule 242(c).

I write, therefore, to seek clarification on the date by which petitions for certiorari must be filed and served.

If the date of the original panel's denial is the "trigger," then Petitions for Certiorari are due Monday, May 5, 2014. If "final decision" of the Court of Appeals requires action on the suggestion for rehearing *en banc* as well, then the 30 days would begin to run upon action by the Court as to rehearing *en banc*.

I've simply never encountered this situation and obviously want to ensure that all deadlines are handled appropriately, while not creating a procedural problem by prematurely filing a Petition for Certiorari while the Court of Appeals is still considering rehearing *en banc*.

To the extent the Court might provide some guidance on the question, your input would be greatly appreciated.

With kind regards, I am

Sincerely,



Matthew V. Creech

cc: Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Brenda F. Shealy, Deputy Clerk of Court
Joseph Kenneth Carter, Jr., Esquire
David Christopher Marshall, Esquire
Carmelo Barone Sammataro, Esquire
Curtis Lyman Ott, Jr., Esquire
Laura Watkins Jordan, Esquire

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Appellate Case No.: 2012-207489

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APR 28 2014
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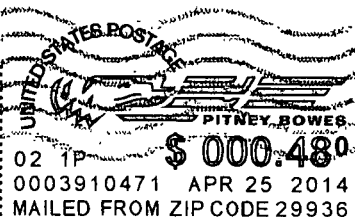
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CHARLESTON SC 294

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