

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Eugene C. Griffith, Jr., Circuit Court Judge

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Case No. 2013-CP-40-1047R

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Evalena Catoe, individually and as Personal Representative  
of the Estate of Richard L. Catoe, Jr., deceased, ..... Appellant,

v.

The City of Columbia and Leon Lott, in his  
official capacity as Sheriff of Richland County, ..... Defendants,

Of Whom, Leon Lott, in his official capacity  
as Sheriff of Richland County, is ..... Respondent.

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**RESPONDENT'S RETURN TO APPELLANT'S  
MOTION TO HOLD TIME LIMITS IN ABEYANCE**

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The Appellant Evalena Catoe has filed a motion to transfer this case to the South Carolina Supreme Court pursuant to Rule 204(b), SCACR. That motion was

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**SC Court of Appeals**

filed in the Supreme Court. The Appellant has also filed a motion to hold time limits in abeyance in this Court. The Respondent Leon Lott opposes that motion.


There is no basis for the time limits of this appeal to be held in abeyance. The Respondent has opposed the certification of this appeal to the Supreme Court, and one of the grounds for the opposition is that certification is premature. The Supreme Court should not make a determination on certification when the Appellant has not even filed her initial brief yet in the Court of Appeals. In this appeal's present posture, it is currently unknown what issues will be raised on appeal and what arguments will even be presented by the Appellant.

At any rate, a pending motion for certification is no valid basis for holding time limits in abeyance. One way or the other, the Appellant will be required to file her initial brief. It should make no difference where that initial brief is filed. The Appellant has not shown that that brief will be written any differently if it is to be filed in this Court or the Supreme Court.

If the Appellant's counsel needs an additional extension to file her initial brief, the Respondent has no opposition. However, the pending certification motion is no basis for holding the appeal in abeyance. The Appellant's motion respectfully should be denied.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY:  \_\_\_\_\_

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*Counsel for Respondent Leon Lott*

Columbia, South Carolina

May 2, 2014

THE STATE OF SOUTH CAROLINA  
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**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Respondent, Leon Lott, does hereby certify that service of **Respondent's Return to Appellant's Motion to Hold Time Limits in Abeyance** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelope this the 2nd day of May 2014:

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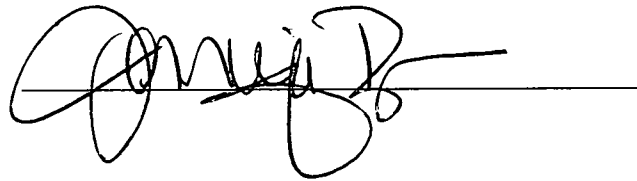
MAY 06 2014

**SC Court of Appeals**

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Post Office Box 1149  
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A handwritten signature in black ink, appearing to read "Danny C. Crowe", is written over a horizontal line. The signature is stylized and cursive.

# DAVIDSON & LINDEMANN, P.A.

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May 2, 2014

Of Counsel  
Kenneth P. Woodington

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The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Evalena Catoe, individually and as Personal Representative of the Estate of Richard L. Catoe, Jr., deceased v. The City of Columbia and Leon Lott, in his official capacity as Sheriff of Richland County  
Appellate Case Number: 2014-000194  
Civil Action Number: 2013-CP-40-1047R  
Our File Number: 314.8165

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of **Respondent's Return to Appellant's Motion to Hold Time Limits in Abeyance** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb  
Enclosures

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**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
May 2, 2014  
Page Two

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cc: (w/ Enclosure)

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