

LAW OFFICES
PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK

JOHN E. PARKER
J. PAUL DETRICK
DANIEL E. HENDERSON
MARK D. BALL
RANDOLPH MURDAUGH, IV
RONNIE L. CROSBY
R. ALEXANDER MURDAUGH
BERT G. UTSEY, III
RANDOLPH MURDAUGH, III
GRAHAME E. HOLMES
LEE D. COPE
MATHEW V. CREECH
LEAGUE B. CREECH
STEVEN D. MURDAUGH
WILLIAM F. BARNES, III
AUSTIN H. CROSBY

PROFESSIONAL ASSOCIATION
690 NORTH GREEN STREET
P.O. BOX 2500
RIDGELAND, SOUTH CAROLINA
29936-2500

RANDOLPH MURDAUGH, SR.
(1887-1940)
RANDOLPH MURDAUGH, JR.
(1915-1998)
J. ROBERT PETERS, JR.
(1927-2008)
CLYDE A. ELTZROTH, JR.
(Retired)

TELEPHONE
(843) 726-6131
TOLL FREE
(866) 943-2113
FACSIMILE
(843) 726-6057
www.pmped.com

April 25, 2014

RECEIVED

APR 28 2014

S.C. SUPREME COURT

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

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

LAW OFFICES

PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK

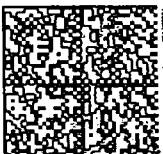
PROFESSIONAL ASSOCIATION

POST OFFICE BOX 2500

RIDGELAND, SOUTH CAROLINA 29936

CHARLESTON SC 294

25 APR 2014 PM



02 IP \$ 000.480
0003910471 APR 25 2014
MAILED FROM ZIP CODE 29936



RECEIVED

APR 28 2014

Handwritten signature

S.C. Supreme Court

Supreme Court of South Carolina

Daniel E. Shearouse, Clerk of Court

Brenda F. Shealy, Deputy Clerk of Court

PO Box 11330

Columbia, SC 29211-1330

29211-1330

