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June 9, 2014

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Via Courier

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

Re: North American Rescue v. P. J. Richardson
Appellate Case No. 2012-212748

Dear Madam Clerk:

Enclosed for filing, please find the original and seven copies of Appellant's Motion to Reschedule Oral Argument. Also enclosed are the original Certificate of Service and our check in the amount of \$25.00. Please file the motion in your office and return the file stamped extra copy to me via our courier. By copy of this letter, we are serving counsel for the Respondent with a copy of same.

Respectfully yours,

McNAIR LAW FIRM, P.A.



Robert L. Widener

RLW/as
Enclosures

cc: Rivers S. Stillwell, Esq.
C. Mitchell Brown, Esq.
A. Mattison Bogan, Esq.

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SC Court of Appeals

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THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM GREENVILLE COUNTY
Before the Master In Equity

Charles B. Simmons, Jr., Master In Equity

Case No. 2007-CP-23-3206

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SC Court of Appeals

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North American Rescue Products, Inc.,.....Appellant,

v.

P. J. Richardson,.....Respondent.

MOTION TO RESCHEDULE ORAL ARGUMENT

Appellant moves to reschedule the postponed oral argument in the above-captioned case.

This motion is based on the grounds set forth below.

This appeal was noticed for oral argument before this Court during May 2014. Respondent moved to postpone oral argument on the following grounds:

- (1) this appeal is related to a prior appeal in which this Court issued a published opinion, see *North American Rescue Prods., Inc. v. Richardson*, 720 S.E.2d 531 (S.C. App. 2011), hereinafter referred to as *NARP I*;
- (2) the Supreme Court granted both parties' certiorari petitions in *NARP I*, dispensed with further briefing, vacated part of this Court's ruling in *NARP I* and affirmed the remainder of this Court's opinion;
- (3) the Supreme Court's opinion in *NARP I* mooted the issues in the present appeal; and
- (4) therefore, although the time for rehearing petitions in the Supreme Court in *NARP I* had not expired, oral argument in the present appeal should be postponed.

Appellant opposed the motion to postpone oral argument because it intended to file a rehearing petition in the Supreme Court (and it believed Respondent would do likewise) and, therefore, the *NARP I* appeal would remain pending in the Supreme Court for an indeterminate time. This Court granted the motion to postpone oral argument.

Both parties petitioned the Supreme Court for rehearing in *NARP I*. The Supreme Court recently granted both petitions for rehearing, withdrew its prior opinion, and directed the parties to file briefs and the appendix pursuant to Rule 242(i), SCACR. (Sup. Ct. Order attached). Thus, the issues presented in the current appeal are no longer moot, and the appeal before the Supreme Court will remain pending for an extended period of time.

For all of the foregoing reasons, Appellant respectfully requests that oral argument in the above-captioned matter be rescheduled as soon as possible.

Respectfully Submitted,

*Robert L. Widener, by
Janee Driskill with permission*
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Attorneys for Appellant

June 9, 2014
Columbia, SC

The Supreme Court of South Carolina

North American Rescue Products, Inc.,
Respondent/Petitioner,

v.

P. J. Richardson, Petitioner/Respondent.

Appellate Case No. 2012-208586
Lower Court Case No. 2007-CP-23-3206

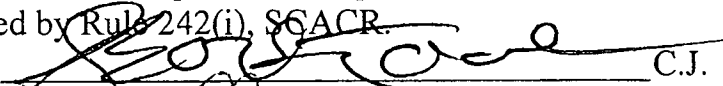
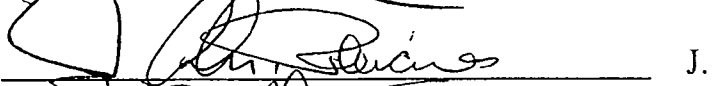
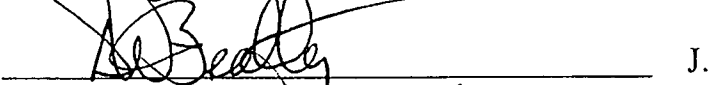
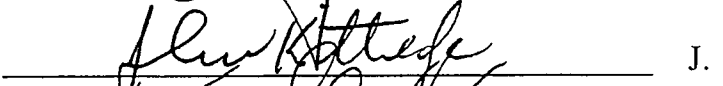

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SC Court of Appeals

ORDER

Petitioner-respondent (Richardson) and respondent-petitioner (NARP) each filed petitions for rehearing after our opinion in *N. Am. Rescue Prods., Inc. v. Richardson*, Op. No. 2014-MO-009 (S.C. Sup. Ct. filed March 26, 2014). We grant the petitions for rehearing, withdraw our opinion, and grant the parties' original petitions for a writ of certiorari. The parties shall proceed to serve and file the appendix and briefs as provided by Rule 242(i), SCACR.

 C.J.
 J.
 J.
 J.
 J.

Columbia, South Carolina

May 23, 2014

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM GREENVILLE COUNTY
Before the Master In Equity

Charles B. Simmons, Jr., Master In Equity

Case No. 2007-CP-23-3206
Appellate Case No. 2012-212748

North American Rescue Products, Inc.,.....Appellant,

v.

P. J. Richardson,.....Respondent.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of the McNair Law Firm, certify that I have served the Appellant's Motion to Reschedule Oral Argument by depositing a copy of same in the United States Mail, postage prepaid, on June 9, 2014 addressed to the attorneys of record, as follows:

C. Mitchell Brown, Esq.
A. Mattison Bogan, Esq.
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Ann Shuler