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September 17, 2014
File No.: 14-274

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SEP 19 2014

SC Court of Appeals

Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: EWB, LLC v. Island Tire Service, Inc.
Case Number 2014 001898

Dear Ms. Kitchings:

As your records reflect, I represent the Respondent in this matter. In this connection, and with the knowledge and consent of Terry A. Finger, the attorney for the Appellants, I am writing to request your advice regarding the following:

The judgment in this matter was entered only against Island Tire Services, Inc., one of the Defendants in the lower court case. The litigation in the lower court has not been concluded, and perhaps, but for the appeal, would continue. The open issues to be determined in the lower court involve breach of contract, breach of contract accompanied by a fraudulent act, fraud and deceit and piercing the corporate veil.

Rule 205 of the Rules of Appellate Practice provides:

Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal . . . Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal. (Emphasis mine)

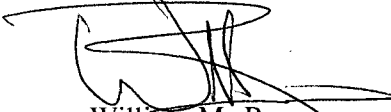
While the argument can be made that the open issues as described above are not affected by the appeal, nonetheless, I am concerned this may not be the case as they may be so intertwined with the appeal of Island Tire Services, Inc.

I also wonder if the appeal may involve a judgment that is interlocutory in nature as suggested to me by my review of Bone vs. U.S. Food Service, 404 S.C. 67; 744 S.E.2d

552; 2013 S.C. LEXIS 159; 2013 WL 3200598, and Long vs. Sealed Air Corp., 391 S.C. 483; 706 S.E.2d 34; 2011 S.C. App. LEXIS 10

Your assistance in this matter will be greatly appreciated, and with kind regards, I remain

Yours truly,



William M. Bowen
SC Bar No.: 794

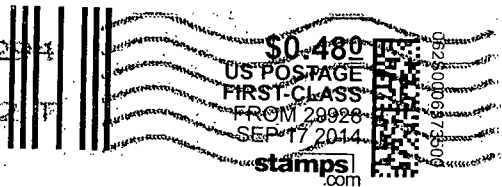
WMB:mjp

cc: Terry A. Finger, Esq.

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