

March 5, 2015

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Daniel E. Shearouse, Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

S.C. Supreme Court

Re: George Skipper, Veronica Skipper, Michael Perry Bowers, Specialty Logging, LLC, and Harold Moors v. ACE Property and Casualty Insurance Company, Brantley C. Rowlen, and Erin Lawson Coia
Appellate Case No. 2014-001979
HLF File No. 3.243

Dear Mr. Shearouse:

We are Counsel for Defendant Coia and Rowlen in a case pending before the Court on a certified question from the District Court seeking an answer to the question of "Can a legal malpractice claim be assigned between adversaries in litigation in which the alleged legal malpractice arose?" Skipper v. ACE Property & Casualty, et al., Appellate Case No. 2014-001979. Defendants' briefs are due next week on March 13, 2015, and oral argument is scheduled for 9:30 am, Tuesday, April 7, 2015.

We have received certain correspondence and filings in connection with an appeal currently pending in the Court of Appeals which also presents an issue concerning the assignability of a legal malpractice claim. Pavilion Dev. Corp. v. Nexsen Pruet, LLC, Appellate Case No. 2013-002796. It appears that the Appellant Pavilion in that case has moved to transfer the appeal to this Court and consolidate argument with this matter, and the Respondent has consented to the transfer but opposes consolidation.

While these Defendants have no official standing as to the motion in that other appeal, we would defer to the Court's discretion as to the transfer and to scheduling the arguments. However, to the extent that the Respondent Nexsen-Pruet has asked this Court to "decertify" this matter, we strenuously object.

First, a decision in *Pavilion* appeal may not necessarily be decisive as to the legal question posed by the District Court because the specific issues raised in the *Pavilion* appeal differ in various respects. In fact, there appears to be a threshold question of whether there was even an assignment as part of the settlement agreement in that case.

HOOD LAW FIRM, LLC

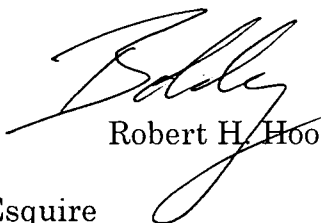
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Second, to the extent, the District Court may not have been not aware of the pending appeal in *Pavilion* when it certified the question, that fact presents another issue that may preclude the Court from rendering a decision on the question posed by the District Court. Namely, the Appellant Pavilion never filed its notice of appeal with the lower court as required by SCACR Rule 208(d) (“The notice of appeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the notice of appeal is served.”) We actually conducted a search of the Charleston County docket for any notice of appeal and did not find that any notice had been filed which left these Parties to conclude that there had been no appeal from Judge Nicholson’s order. Moreover, such failure to perfect the appeal could possibly result in a dismissal whereby no decision would be reached on the merits of that appeal. Rule 203(d)(3) “**Effect of Failure to Timely File.** If the notice of appeal is not timely filed or the filing fee is not paid in full, the appeal shall be dismissed, and shall not be reinstated except as provided by Rule 260.” *See also Appellate Practice in South Carolina* Ch. 5, II, C (citing *Douglas v. State*, 332 S.C. 67, 69, 504 S.E.2d 307, 308 (1998)).

For these reasons, the Defendants respectfully ask the Court to proceed with answering the question certified by the District Court is this matter.

Kind regards,

Yours truly,



Robert H. Hood, Jr.

RHHjr/spc

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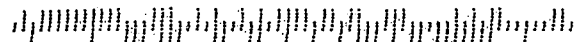
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