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June 30, 2015

James B. Lybrand, Jr.

*Certified Mediator and Arbitrator

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JUL 02 2015

SC Court of Appeals

Re: Tanza Kohn v. David Christopher Kirby and Christina Inman Banks
Case No.: 2014-CP-40-7565
Appellate Case No.: 2015-001170

Dear Ms. Allen:

I am in receipt of your letter dated June 24 directed to Robert Goings, counsel for appellant in the above referenced matter. I represent respondent David Christopher Kirby in this action and attorney Ronald B. Diegel of Columbia represents respondent Christina Inman Banks.

My client was not served with the summons and complaint in this action until April 13, 2015. It is my understanding that the hearing before Judge Gee which results in the order being appealed from was held prior to my client's entering the case. Judge Gee's order filed April 20, 2015 was issued prior to my client filing responsive pleadings.

Since neither I nor my client participated in the hearing which gives rise to Judge Gee's order, I would adopt and rely upon the memorandum which I believe Mr. Diegel will be submitting on behalf of his client if this is permissible. Your letter of June 24 was received by my office on June 26. I am currently on vacation and will not be returning to the office prior to the expiration of the ten day deadline outlined in your letter. If my reliance upon Mr. Diegel's memorandum is not permissible, I would respectfully request an extension of the ten day deadline to file a memorandum since I am currently on vacation.

By copy of this letter to all counsel of record, I am advising them of my communication with the court.

With kind regards, I am

Very truly yours,

James B. Lybrand, Jr.
James B. Lybrand, Jr.

JBLjr/bg

cc: Robert F. Goings
Ron B. Diegel
Robert L. Brown

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