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H. FRANK MALONE  
1930-2002

July 27, 2015

VIA HAND DELIVERY

The Honorable V. Claire Allen  
Deputy Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RECEIVED

JUL 27 2015

SC Court of Appeals

Re: Conflict Associated with Argument Scheduled for September 8, 2015 in *Francis Ackerman, et al., v. the South Carolina Department of Corrections*, Appellate Case No. 2012-CP-210588

Dear Ms. Allen:

I represent the Respondent, the South Carolina Department of Corrections, in the above-referenced case.

On Friday, July 24, 2015, I received your notice indicating that the Court will hear argument in the above-referenced appeal on September 8, 2015 at 10:40 A.M.

However, by a letter filed June 22, 2015, I notified you that I would not be able to appear before the Court for argument on September 8, 2015, because I will be returning from a vacation out of the country on Tuesday, September 8, 2015. For the sake of clarity, I enclose a copy of my letter to you filed June 22, 2105.

As I explained in my June 22, 2015 letter, my wife and I purchased non-refundable airline tickets for our trip, and we depart Tuesday, September 1, 2015. Our return flight is scheduled to arrive at 11:45 p.m. on Tuesday, September 8, 2015, and, therefore, I simply won't be able to appear before the Court at any time on September 8, 2015.

As I also explained in my June 22, 2015, it's likely that, given the realities associated with connecting flights and weather, we will not arrive home until sometime in the early morning hours of Wednesday, September 9, 2015.

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Thus, out of abundance of caution and to allow me sufficient time to make final preparations for argument, I again respectfully request that the Court schedule argument in the above-referenced matter on Friday, September 11, 2015.

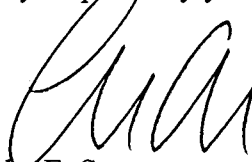
For the sake of clarity, our firm's associate, Kathrine A. Phillips, Esquire, will also not be able to appear before the Court for argument on September 8, 2015, as she is leaving our firm to within the next 10 days to take a position with the South Carolina Department of Health and Environmental Control.

As I did previously, I discussed my scheduling conflict with Douglas H. Westbrook, Esquire, counsel for the Appellants, by telephone early this afternoon. Mr. Westbrook does not object to any accommodation the Court makes in light of the above-described circumstances.

Thank you for your consideration of this matter. I left a voicemail for you at your office this morning regarding the above-described circumstances.

Please do not hesitate to contact me should you have any questions regarding this letter. As always, I remain

Very respectfully yours,



Lake E. Summers  
Outside Counsel for the South Carolina  
Department of Corrections

Enclosure

Cc:  
Douglas H. Westbrook, Esquire, Counsel for the Appellants