

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
104 South Main Street / Ninth Floor / Greenville, SC 29601
Tel: 864.250.2300 Fax: 864.250.2328
www.nelsonmullins.com

Reid T. Sherard
Tel: 864.250.2219
Fax: 864.250.2328
reid.sherard@nelsonmullins.com

August 5, 2015

The Honorable Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED

AUG 07 2015

SC Court of Appeals

RE: Carol Simpson v. Frank A. Landgraff, Carol Sutton, Sutton & Associates
Investigations, Inc., Defendants,
Of Whom Frank A. Landgraff is the Respondent.
Case No. 2013-CP-23-01762
Appellate Case No. 2015-000778
NMRS File No. 35353.01502

Dear Ms. Kitchings:

In connection with the above captioned matter, this firm represents the respondent Frank A. Landgraff.

On Thursday, July 16, 2015, Mr. Landgraff served his Motion to Dismiss on the appellant Carol Simpson, seeking to end this appeal. The Court of Appeals received this motion, along with the proof of service confirming the July 16, 2015 service date on Ms. Simpson and the necessary fee, on July 20, 2015.

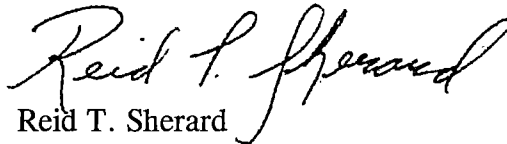
Pursuant to Rule 240(e), SCACR, "any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file an original and six (6) copies of his return with the clerk and serve on all parties a copy of the return . . ." The rule further provides "[f]ailure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition. *Id.*

Ms. Simpson should have filed and served her return to the dismissal motion by Monday, July 27, 2015. As of the writing of this letter, Wednesday, August 5, 2015, Mr. Landgraff has not been served with any response of any kind to the motion, and the Court's online portal does not reflect the filing of any response of any kind to the motion.

The Honorable Jenny Abbott Kitchings, Clerk of Court
August 5, 2015
Page 2

Accordingly, at this time, Mr. Landgraff requests the Court grant the Motion to Dismiss and end this appeal.

Very truly yours,



Reid T. Sherard

RTS:kmj

Cc: Frank Landgraff
William G. Mayer
Joseph A. Mooneyham
Spencer King

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

Post Office Box 10084

Greenville, SC 29603-0084

Hasler

08/05/2015

US POSTAGE

FIRST-CLASS MAIL

\$00.48⁵



ZIP 29601
011D11645516

The Honorable Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

2920133749 0076

