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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Roger M. Young, Circuit Court Judge

RECEIVED

Appellate Case No. 2015-001809

SEP 18 2015

SC Court of Appeals

Skywaves I Corporation, Appellant/Respondent,

v.

Branch Banking and Trust Company, Successor in Merger
to Branch Banking and Trust Company of SC,
a/k/a BB&T, and James Edahl, Defendants,

Of which Branch Banking and Trust Company,
Successor in Merger to Branch Banking and Trust
Company of SC, a/k/a BB&T is the Respondent/Appellant,

And

Of whom James Edahl is the Respondent,

**JOINT MOTION OF RESPONDENT/APPELLANT AND RESPONDENT
FOR STAY OF APPEAL PENDING RESOLUTION OF THE JOINT MOTION OF
RESPONDENT/APPELLANT AND RESPONDENT TO STRIKE
APPELLANT/RESPONDENT'S AMENDED AND SUPPLEMENTAL
NOTICE OF APPEAL**

Respondent/Appellant Branch Banking and Trust Company, Successor
in Merger to Branch Banking and Trust Company of SC, a/k/a BB&T and Re-
spondent James Edahl (individually, "BB&T" and "Edahl"; collectively, "Mo-
vants") hereby move, pursuant to Rule 240, SCACR, for entry of an order

staying this appeal and cross-appeal until the Court has ruled on the Joint Motion of Respondent/Appellant and Respondent to Strike Appellant/Respondent's Amended and Supplemental Notice of Appeal ("Motion to Strike"), filed contemporaneously herewith. In support of this motion, Movants would show as follows:

1. The litigation underlying the present appeal and cross-appeal is described in detail in the Motion to Strike.

2. On July 23, 2015, the circuit court entered an order disposing of numerous pending motions, including: BB&T's and Respondent James Edahl's motions for summary judgment; Skywaves' motion for reconsideration of the court's order striking the jury demand; Skywaves' motion to amend its complaint; Skywaves' motion to strike BB&T's Answer to the First Amended Complaint; Skywaves' motion for issuance of a deposition subpoena to John Allison, BB&T's former President and CEO; and BB&T's motion for a protective order precluding Allison's deposition.

3. Skywaves filed a timely Notice of Appeal of the July 23, 2015 order.

4. On August 25, Skywaves filed an Amended and Supplemental Notice of Appeal ("Amended Notice"), purporting to appeal not just the circuit court's July 23 order, but also its order of November 8, 2011, dismissing five of the eight claims asserted in Skywaves' First Amended Complaint, as well

as the circuit court's June 15, 2012 order, granting reconsideration and reinstating three of the five claims.

5. As set forth in detail in the Motion to Strike, Skywaves previously appealed the November 8, 2011 order to this Court. It voluntarily withdrew the appeal, *see* Rule 260(c), SCACR, on the basis that it was rendered moot by the June 15, 2012 order granting reconsideration. For the reasons articulated in the Motion to Strike, the Court should strike the Amended Notice and allow Skywaves' appeal to proceed only as to the July 23, 2015 order.

6. BB&T received Skywaves' August 21 Notice of Appeal on August 25, 2015, and thereafter filed a timely Notice of Cross-Appeal. *See* Rule 203(c), SCACR.

7. By letter dated September 3, 2015, the Clerk of Court advised the parties of the proper case caption and indicated that briefing of the appeal and cross-appeal should proceed in parallel, *i.e.*, so that Appellant/Respondent's appellate filings occur contemporaneously with Respondent/Appellant's filings.

8. The pendency of Motion to Strike may interfere with this parallel briefing procedure. On one hand, the Motion to Strike creates uncertainty regarding the scope of Skywaves' appeal and, arguably, automatically stays the time limit for filing Skywaves' initial opening brief and designation of matter. *Cf.* Rule 203(b), SCACR. On the other hand, because the Motion to Strike does not affect the scope of BB&T's cross-appeal, the time limit for fil-

ing BB&T's initial opening brief and designation of matter presumably remains in place.

9. BB&T respectfully submits that alteration of the parallel briefing schedule is undesirable in that it is likely to hamper the management, briefing, and resolution of the appeal and cross-appeal. Entry of an order staying the appeal and cross-appeal pending a ruling on the Motion to Strike would avoid these problems by preserving the parallel briefing schedule.

WHEREFORE, Movants respectfully request entry of an order staying all briefing deadlines in this appeal and cross-appeal until thirty (30) days after a ruling on the Motion to Strike.

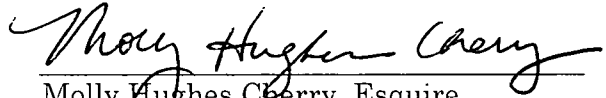
Respectfully submitted,

Signature page follows.



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Branch Banking and Trust Company,
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Charleston, South Carolina
September 16, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SEP 18 2015
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APPEAL FROM CHARLESTON COUNTY
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Hon. Roger M. Young, Circuit Court Judge

Appellate Case No. 2015-001809

Skywaves I Corporation, Appellant/Respondent,

v.

Branch Banking and Trust Company, Successor in Merger
to Branch Banking and Trust Company of SC,
a/k/a BB&T, and James Edahl, Defendants,

Of which Branch Banking and Trust Company,
Successor in Merger to Branch Banking and Trust
Company of SC, a/k/a BB&T is the Respondent/Appellant,

And

Of whom James Edahl is the Respondent,

**PROOF OF SERVICE FOR JOINT MOTION OF
RESPONDENT/APPELLANT AND RESPONDENT
FOR STAY OF APPEAL PENDING RESOLUTION OF THE JOINT
MOTION OF RESPONDENT/APPELLANT AND RESPONDENT TO
STRIKE APPELLANT/RESPONDENT'S AMENDED AND
SUPPLEMENTAL NOTICE OF APPEAL**

I, Molly Hughes Cherry, Esquire hereby certify that on the 16th day of
September, 2015, I service a copy of the JOINT MOTION OF
RESPONDENT/APPELLANT AND RESPONDENT FOR STAY OF APPEAL
PENDING RESOLUTION OF THE JOINT MOTION OF

RESPONDENT/APPELLANT AND RESPONDENT TO STRIKE
APPELLANT/RESPONDENT'S AMENDED AND SUPPLEMENTAL
NOTICE OF APPEAL, submitted by Respondent/Appellant Branch Banking
and Trust Company, Successor in Merger to Branch Banking and Trust
Company of SC, a/k/a BB&T and Respondent James Edahl, on counsel for the
Appellant/Respondent via United States Mail, postage prepaid, and ad-
dressed as follows:

M. Dawes Cooke, Jr., Esquire
John W. Fletcher, Esquire
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Attorneys For Plaintiff/Appellant


Molly Hughes Cherry, Esquire

NEXSEN | PRUET

Molly Hughes Cherry
Member
Admitted in SC

September 16, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RECEIVED
SEP 18 2015
SC Court of Appeals

Re: Skywaves I Corporation v. Branch Banking and Trust Company, et al.
Appellate Case No. 2015-001809

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the following in the above-referenced matter:

- Charleston**
- Charlotte
- Columbia
- Greensboro
- Greenville
- Hilton Head
- Myrtle Beach
- Raleigh

1. Joint Motion of Respondent/Appellant and Respondent to Strike Appellant/Respondent's Amended and Supplemental Notice of Appeal, along with the Proof of Service; and
2. Joint Motion of Respondent/Appellant and Respondent for Stay of Appeal Pending Resolution of the Joint Motion of Respondent/Appellant and Respondent to Strike Appellant/Respondent's Amended and Supplemental Notice of Appeal, along with the Proof of Service.

Also enclosed is the filing fee in the amount of \$50.00

I would appreciate your filing the original and six (6) copies of both Motions and returning a filed stamped copy to me via the enclosed stamped and self-addressed envelope.

By copy of this letter and as evidenced by the attached Proof of Service, we are serving Appellant/Respondent and counsel of record with a copy of the same.

Very truly yours,


Molly Hughes Cherry

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The Honorable Jenny Abbott Kitchings
September 16, 2015
Page 2

MHC/ksh
Enclosures

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John P. Linton, Esquire
J.W. Nelson Chandler, Esquire
Andrew K. Epting, Jr., Esquire
Julio E. Mendoza, Jr., Esquire
Kirsten E. Small, Esquire