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October 9, 2015

VIA TELEFAX 803-734-1499

Mr. Daniel E. Shearouse
Clerk of the Supreme Court
Supreme Court Building
1231 Gervais Street
P.O. Box 11330
Columbia, SC 29211

RECEIVED
OCT 09 2015
SC SUPREME COURT

**Re: Simmons v. Berkeley Electric Cooperative, Inc.
and St. John's Water Company, Inc.,
Case No. 2013-001477**

Dear Mr. Shearouse:

I represent the Petitioner, Roosevelt Simmons in the captioned case scheduled for oral argument on October 20th. I have been contacted by Mr. Simmons' daughter who advises that he is undergoing several surgeries and will not be able to attend the proceedings due to his medical condition. This is unexpected and was not foreseeable when the Court inquired about the scheduling of oral argument several months ago. Mr. Simmons has been very involved in this case from the beginning since it concerns his family property. It would be extremely disappointing for him not to be able to attend when this Court hears his case. Accordingly, I respectfully request that the oral argument be postponed until his health has improved.

If I can provide any further information concerning this request, please do not hesitate to call.

Respectfully submitted,


Edward A. Bertele

CC: Jay Hulst, Esq.
Gaines Smith, Esq.
Ivy Simmons

