

MCNAIR  
ATTORNEYS

James K. Gilliam

jgilliam@mcnair.net

T (843) 444-1107

F (843) 444-4729

October 6, 2015

RECEIVED  
OCT 13 2015  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: Jacklyn Donevant v. Town of Surfside Beach  
Appellate Case No.: 2014-000457

Dear Ms. Kitchings:

Please accept this letter in regards to the case captioned Jacklyn Donevant v. Town of Surfside Beach, appellate case no. 2014-000457. By way of background, the Court of Appeals issued an opinion on August 26, 2015, affirming the jury's verdict in favor of Ms. Donevant. Thereafter, the Town of Surfside Beach ("the Town") filed a Petition for Rehearing and Suggestion for Rehearing En Banc. Ms. Donevant filed a Return to the Town's Petition for Rehearing and Suggestion for Rehearing En Banc ("Return") on September 24, 2015. On September 30, 2015, the Town filed a Reply.

In the Town's Reply, the Town argues Ms. Donevant's Return was not timely filed. This statement is inaccurate and should be corrected with the Court. I am enclosing a letter dated September 14, 2015 from V. Claire Allen, Deputy Clerk of Court for the South Carolina Court of Appeals. In Ms. Allen's letter, she states that Ms. Donevant's Return is due ten (10) days from the date of her letter, which would make the Return due by September 24, 2015. The Town does not dispute that Ms. Donevant filed her Return on September 24, 2015, which would be within the timeframe ordered by the Court.

Rule 240(e) of the South Carolina Appellate Court Rules states, "[a]ny 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 ...." Rule 240(e), however, continues, "It the court may in its discretion enlarge or limit the time for filing the return." (emphasis added).

Here, the Court of Appeals clearly enlarged the timeframe in which Ms. Donevant had to file the Return until September 24, 2015. Ms. Donevant filed the Return

McNAIR LAW FIRM, P.A.

Founders Centre

2411 Oak Street, Suite 206

Myrtle Beach, SC 29577

Mailing Address

Post Office Box 336

Myrtle Beach, SC 29578

mcnair.net

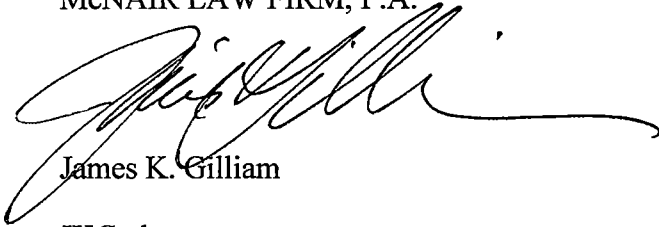
---

within the timeframe ordered by the Court. The Return was therefore timely filed, and this Court should disregard the Town's assertions to the contrary.

Please provide the Court with a copy of this letter, so it will not be under the mistaken belief that Ms. Donevant's Return was not timely filed.

Sincerely,

McNAIR LAW FIRM, P.A.



James K. Gilliam

JKG:ck  
Enclosures

cc: Charles F. Thompson, Jr., Esquire

Enclosure



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

September 14, 2015

Mr. Charles Franklin Thompson, Jr., Esquire  
339 Heyward St., Ste. 200  
Columbia SC 29201

Re: Jacklyn Donevant v. Town of Surfside Beach  
Appellate Case No. 2014-000457

Dear Counsel:

This will acknowledge receipt of your petition for rehearing and suggestion for renearing en banc.

By copy of this letter, opposing counsel is requested to file an original return to this motion no later than ten (10) days from the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Henrietta U. Golding, Esquire  
James Keith Gilliam, Esquire

RECEIVED

SEP 16 2015

McNAIR LAW FIRM, P.A.

**MCNAIR**  
ATTORNEYS

Post Office Box 336  
Myrtle Beach, SC 29578

#KG

COLUMBIA  
SC 290  
07 OCT '15  
PM 11



The Honorable Jenny Abbott Kitchings  
Clerk of Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RECEIVED  
OCT 13 2015  
SC Court of Appeals

29201376999

