

The South Carolina Court of Appeals

Mitchell S. Lowther and Carmon B. Lowther,
Respondents,

v.

E. Legrand Lowther, Appellant.

Appellate Case No. 2012-211008

ORDER

Appellant filed a Notice of Appeal from an order denying reconsideration bearing case number 2008-CP-27-547. Respondents have filed a motion to dismiss, contending an appeal regarding that case number has already been heard by this Court. Appellant filed a return, arguing this order had not been heard on appeal by this Court, but rather the order mistakenly included the incorrect case number and caption. After careful consideration of all the parties' filings, Respondents' motion to dismiss is denied. This appeal shall be held in abeyance and remanded to the Special Referee for the limited purpose of making a determination as to whether a correction of the case number and caption is necessary. This Court urges the Special Referee to act as expeditiously as possible.


FOR THE COURT

Columbia, South Carolina

cc:

R. Thayer Rivers, Jr.

H. Fred Kuhn, Jr.

FILED

Barter 9/11/12