

# The Supreme Court of South Carolina

Cynthia Griffis, Plaintiff,

v.

Cherry Hill Estates, LLC, Eugene O'Neil and Ronald  
Faulkner, Defendants,

Cherry Hill Estates, LLC and Ronald Faulkner, Third  
Party Plaintiffs, Petitioners,

v.

Anthony E. Griffis, Third Party Defendant, Respondent.

Appellate Case No. 2015-001312

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## ORDER

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The Court of Appeals affirmed the circuit court's order granting summary judgment to respondent on petitioners' causes of action for breach of fiduciary duty and professional negligence. *Griffis v. Cherry Hill Estates, LLC*, Op. No. 2015-UP-167 (S.C. Ct. App. filed April 1, 2015). The matter is currently pending before this Court pursuant to a petition for a writ of certiorari to the Court of Appeals.

Counsel for petitioner has submitted a letter to this Court stating the parties have resolved the claims at issue in the petition and "settled the matter." The letter further states the parties request that this Court remand the case to the circuit court "with instruction to dismiss the causes of action subject to the Petition, with prejudice."

If the parties to an appeal or other proceeding before this Court sign and file an agreement that the proceeding be dismissed, the Court can enter an order of dismissal. Rule 260(b), SCACR. If a settlement agreement relates to a matter that

is pending before the Court, the agreement need not be submitted to the Court unless approval by the Court, a lower court or tribunal is required before the agreement can be effective, or the parties desire to have the agreement approved by the Court. Rule 261(b), SCACR.

While a dismissal of this matter would be appropriate in light of the fact that the parties have settled the matter, *see* Rule 260(b), the request that this Court remand the case to the circuit court with instructions to dismiss the causes of action with prejudice is not. We therefore deny the parties' current request without prejudice to the parties' ability to request a dismissal of the matter pending in this Court - the petition for a writ of certiorari - as permitted by Rule 260(b). Any renewed request must be submitted within thirty days of the date of this order.

c.J.  
 J.  
 J.  
 J.  
 J.

Columbia, South Carolina

November 19, 2015

cc:

Michael W. Mogil, Esquire

Anthony E. Griffis

Jerri Ann Roseneau