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SC Court of Appeals

February 3, 2016

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

RE: PNC Bank, N.A., successor to RBC Bank (USA) v. Liberty Cottages, LLC, et. al.
Appellate Case No. 2015-001149
Our File No. 17104/01517

Dear Ms. Kitchings:

This letter is in response to the Court's letter dated January 12, 2016, and supplements our letter dated January 19, 2016, to your office in response.

ROA, LLC should be listed as a defendant in the caption in this matter. ROA, LLC, is and always has been a defendant in the matter below. This is reflected on the court's public index online records as well as all the pleadings, motions, and other papers filed below.

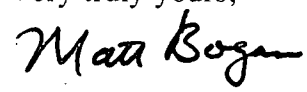
The fact that ROA, LLC, does not appear in the caption of the orders striking Defendants' jury demand which are being challenged is simply a typographical error in the caption. The motion to strike giving rise to the challenged orders specifically lists ROA, LLC, as a party. *See* R. 1209-10. Moreover, the orders themselves evidence that they apply to all defendants in the matter, including ROA, LLC. *See* R. 13-15; 16-19. For example, because the orders strike the Defendants' jury demand, the orders refer the case *in its entirety* to the non-jury roster. *See* R. 15; 19. There is no exception made for ROA, LLC, which evidences that the court struck its jury demand as well. *Id.* The orders also reference the 84 loan documents containing the jury trial waivers at issue, which number includes loan documents signed only by ROA, LLC. *See* R. 14; 17. After the initial order striking the Defendants' jury demand was issued, Defendants, including ROA, LLC, filed a motion for reconsideration. *See* R. 1502-05. Additionally, ROA, LLC is included as an Appellant on the Notice of Appeal. *See* R. 1632.

Because it is the parties' understanding that ROA, LLC, is and always has been a party below and ROA, LLC, had its jury demand stricken along with the other defendants in the orders

being challenged, the parties included it in the caption of our briefs. After receiving the Court's letter on January 12, 2016, we complied with the Court's request to amend the caption so that our brief was not rejected. However, ROA, LLC is a party and appellant to this appeal and, therefore, we request that you correct this administrative error to avoid potential confusion in the future.

We have consulted with counsel for Appellants in this matter, and they join in our request herein.

Very truly yours,



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Enclosures

cc: Robert E. Stepp, Esquire
Willard D. Hanna, Jr., Esquire
William H. Jordan, Esquire
Benjamin R. Gooding, Esquire