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July 27, 2012

RECEIVED

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SC Court of Appeals

VIA FACSIMILE

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: **Kerr, James v. BB&T**
Case Tracking #: 2012205647

Skywaves I v. Branch Banking and Trust Company of SC
Case Tracking #: 2012205929

Dear Ms. Kitchings:

On May 29, 2012, the Court of Appeals entered an order in Appellate Case No. 2012-205929 (Skywaves I Corporation appeal) holding that appeal in abeyance pending the resolution of Rule 59 motions to reconsider in the trial court. The Court further instructed Appellant to provide updates to the Court every 30 days. The Court of Appeals' case manager had indicated that a similar order will follow in Appellate Case No. 2012-205647 (a related appeal consolidating the appeals from three lawsuits below). The following is intended to provide an update to the Court regarding the status of the motions to reconsider pending in these four cases.

On or about June 25, 2012, we received notice from the Court of Common Pleas of Charleston County that orders had been entered upon the Motions for Reconsideration in these cases. These orders either granted, in part, the motions or amended the original orders. The appellants intend to file new notices of appeal from those orders, as appropriate and to move to consolidate those appeals with the pending appeals.

In light of the trial court's recent orders, the Appellants are moving to withdraw the appeal in Appellate Case No. 2012-205929 (Skywaves I Corporation appeal).

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As to the three trial court cases comprising consolidated Appellate Case No. 2012-205647 — 2009-CP-10-7515 (James J. Kerr, *et al.*), 2009-CP-10-7517 (Ron Konersmann), and 2009-CP-10-7518 (John Voytko) — the Appellants have filed and served notices of appeal from the trial court's recent amended orders. In addition, a notice of appeal was filed in a fourth related case on behalf of Patricia Konersmann (Case No. 2010-CP-10-9959). These appellants have ordered the transcript of proceedings as required by the Rule of Appellate Procedure. The appellants in those lawsuits will be moving this Court to consolidate all appeals (including the prior pending appeal) into a single appeal.

Sincerely,

A handwritten signature in cursive script that reads "Dawes".

M. Dawes Cooke, Jr.

MDCjr/klj

c: Molly Hughes Cherry, Esquire
Andrew K. Epting, Jr., Esquire
George J. Kefalos, Esquire
Brian C. Duffy, Esquire