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September 25, 2012

V. Claire Allen, Deputy Clerk
Post Office Box 11629
Columbia, SC 29211

RE: Simmons, Roosevelt v. Berkeley Electric, et al
Appellate Case No: 2011-192409

Dear Ms. Allen:


I am in receipt of your letter of September 17, 2012 regarding the above-referenced matter and the likely scheduling of oral arguments sometime during the week of December 10-13. In your letter you requested that we advise the Court of any scheduling conflicts we might have with those dates.

Both I and Jeffrey C. Moore, who is handling oral arguments on behalf of St. John's Water Company, have long-standing plans to be out of the state during the week of December 10-14 on vacation, and would therefore respectfully request that this matter be scheduled for a different term.

If you have any questions regarding this request, please do not hesitate to contact me.

With kind regards, I am,

Yours very truly,
LEGARE, HARE & SMITH


Gaines W. Smith

CC: John B. Williams, Esq.
J. Jay Hulst, Esq.
Edward A. Bertele, Esq.

RECEIVED
SEP 28 2012
SC Court of Appeals