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October 23, 2012

VIA TELEFAX 803-734-1839
V. Claire Allen, Deputy Clerk
Court of Appeals
1015 Sumter St.
PO Box 11629
Columbia, SC 29211

Re: Simmons v. Berkeley Electric Cooperative, Inc.
and St. John's Water Company, Inc.,
Case No. 2011192409

Dear Ms. Allen:

I received a notice that oral argument in the captioned case will be held in the January 2013 term. I previously filed an appeal in another case, Simmons v. Bailum, Case No 2011-189009 and received notice that oral argument would be scheduled for the same term. Copy attached. I would respectfully request that the later filed appeal, Case No. 2011-192409 be heard at a later term. This would enable me to have appropriate time for preparation in each case. This court previously extended the term for oral argument of the captioned case from December 2012 at the request of defendant St John's Water Company counsel. I will await your reply. Thank you for your courtesy.

Cordially,


Edward A. Bertele

Encl:

CC: John B. Williams, Esq.
Gaines W. Smith, Esq.

RECEIVED

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SC Court of Appeals