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JUN 16 2016

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

Perry M. Buckner, Circuit Court Judge

Case No. 2015-001947

Alice Hazel, as GAL for Jacob N.

Respondent,

v.

Blitz U.S.A., Inc., Fred's, Inc., Tiger
Express Varnville, LLC, and James Nix,

Defendants,

Of Whom Fred's, Inc., is the

Appellant.

And

Melinda Cook,

Respondent,

v.

Blitz U.S.A., Inc., Fred's, Inc., Tiger
Express Varnville, LLC, and James Nix,

Defendants,

Of Whom Fred's, Inc., is the

Appellant.

CONSENT MOTION TO AMEND FINAL BRIEFS

The Parties to this matter petition this Court, pursuant to Rule 240, SCACR, for an Order permitting certain agreed upon changes to the Final Briefs to be submitted pursuant to Rule 211(B), SCACR, and certain redactions in the Record on Appeal to be submitted pursuant to Rule 210, SCACR.

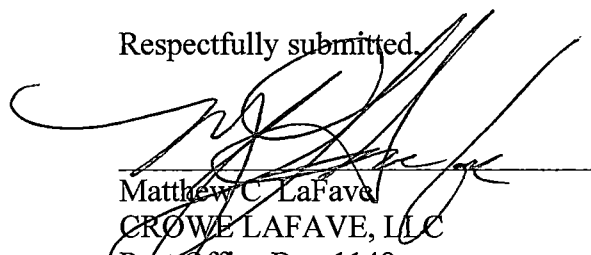
In preparation of the Record on Appeal counsel for Appellant brought to light an issue with respect to items identified in Respondents Designation of Matter and references made to said documents in the Initial Brief of Respondents. Moreover, Appellant advised counsel for Respondents of an inaccuracy in the Initial Brief of Respondents as it pertained to an argument that a certain document had not previously been presented to the trial court until the Motion for Reconsideration. The parties, through discussion of the foregoing issues, have reached an accord as to certain modifications needed despite Rule 211(B), SCACR, which calls for final brief(s) to be identical to brief(s) previously served and Rule 210, SCACR, which notes that the Record on Appeal shall include *all* matter designated to be included by any party under Rule 209, SCACR. The parties have agreed to the following:

- A. Respondents shall remove any citations to the Amended Complaints in their brief, to be replaced with citations to the July 2015 Order and June 2015 transcript;
- B. Respondents shall remove the first paragraph of argument section IV along with the words “decline to consider Fred’s argument as to the agreement and” on page 22;
- C. Appellant will remove the sentences beginning with “First and foremost,” through “Appellant feels compelled to reply.” on pages 6-7 of its Initial Reply Brief.
- D. Respondents will rescind their designation of the Amended Complaints and such documents shall not be included in the Record on Appeal; and
- E. Appellant will rescind, in its entirety, its Reply Designation of Matter from the Record on Appeal.

The parties each understand that nothing about this Motion shall serve to extend any additional deadlines unless the Court so deems such extensions necessary.

(SIGNATURE PAGE FOLLOWS)

Respectfully submitted,



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ATTORNEY FOR APPELLANT

June 14, 2016

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SC Court of Appeals

June 14, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Alice Hazel, as GAL for Jacob N. v. Blitz, U.S.A., Inc., Fred's, Inc., Tiger
Express Varnville, LLC, and James Nix
And
Melinda Cook v. Blitz, U.S.A., Inc., Fred's, Inc., Tiger
Express Varnville, LLC, and James Nix
Case No. 2015-001947
Claim No. B460900206-0001-01

Dear Ms. Kitchings:

Please find enclosed for filing an original and one copy of the Consent Motion to Amend Final Briefs in the above-captioned matter. Also enclosed is a check in the amount of \$25.00 representing the filing fee. Once filing is complete, please return the clocked copy to us in the enclosed self-addressed, stamped envelope.

By copy of this correspondence to the attorneys of record, I am hereby notifying them of this filing. Should you have any questions or concerns, please do not hesitate to contact me.

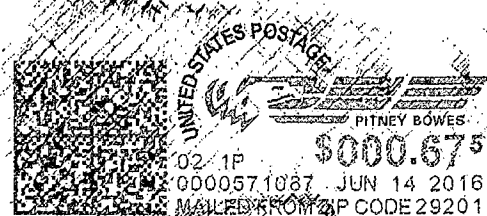
Sincerely yours,


Matthew C. LaFave

MCL/dmb
Enclosure

cc: Mark D. Ball, Esquire
Kathleen C. Barnes, Esquire
Karl Brehmer, Esquire
Jonathan Street, Fred's (via email only)
Mark Dely, Fred's (via email only)
Shonda Sanders, Fred's (via email only)
Sherrie Johnson, Fred's (via email only)

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JUN 18 2016

SC Court of Appeals

The Honorable Jenny Abbott Kitchens
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211