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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY
Circuit Court
The Honorable Maite Murphy

JUN 15 2016

SC Court of Appeals

Case No. 2014-CP-38-00803

Lindsey Stewart, Personal Representative of the Estate of Shaun Robert Moore,..... Appellant,

v.

Green Apple, LLC, d/b/a Applebee's, John/Jane Doe, Manager, and Stabler L. Inabinet,.....Defendants,

Of Whom Green Apple, LLC, d/b/a Applebee's is theRespondent.

APPELLANT'S MOTION TO CONSOLIDATE AND FOR AN EXTENSION

Lindsey Stewart, Personal Representative of the Estate of Shaun Robert Moore, ("Appellant") petitions this Court for an order consolidating the above-referenced case with the appeal of Civil Case No. 2014-CP-38-00802, *Lindsey Stewart, Personal Representative of the Estate of Shaun Robert Moore v. Green Apple, LLC, d/b/a Applebee's*, pursuant to Rules 214 and 240, SCACR.

The cases arise out of the same injury-causing event. Case number 2014-CP-38-00803 is a survival action, and case number 2014-CP-38-00802 is a wrongful death action. The underlying order on appeal in which the lower court granted Respondent's motion for summary judgment contains both case numbers in the caption. (*See* Orders attached to Notices of Appeal). Therefore, consolidation is appropriate because the issues in the appeals are identical. The issues raised in the motion to reconsider these cases are also the same. *See* attached Mot. to Recon. Therefore,

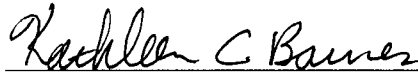
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“the same question is involved in two or more appeals in different cases” and the cases are appropriate for consolidation. Rule 214, SCACR. Appellant requests this Court exercise its discretion to consolidate the appeals. In the alternative, Appellant requests the same panel of judges hear both appeals to avoid the possibility of inconsistent rulings.

Appellant is in possession of a copy of the transcript from the lower court proceeding. However, Appellant requests an extension of time for filing its initial brief and designation of matter until thirty days after the Court rules on the motion for consolidation.

June 13, 2016

Respectfully submitted,



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