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June 15, 2016

RECEIVED

JUN 17 2016

SC Court of Appeals

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

Re: Swiger v. Smith and Kelly, as Personal Representatives
Appellate Case No. 2016-000096

Dear Ms. Kitchings:

On May 5, 2016 Respondents filed and served a Motion to Dismiss Appeal. Appellant filed and served a Return, and Respondents filed and served a Reply. The motion has not yet been decided. Rule 240(b), SCACR, operates to automatically stay the time limits for prosecuting the appeal until the motion to dismiss appeal is decided.

Notwithstanding the foregoing, I received in today's mail the Appellant's Initial Brief. Apparently, the original was sent to the Court for filing. Not only is it premature, it was not accompanied by a Designation of Matter to be Included in the Record on Appeal.

Please confirm whether the Appellant's Initial Brief is being accepted by the Court for filing and that my time for responding is stayed by the pending motion to dismiss appeal. Thank you.

Very truly yours,



B. Michael Brackett

cc: Margaret Kelly
Ben Smith
Syretta R. Anderson, Esquire

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