

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Edward W. Miller, Circuit Court Judge

Case Nos. 2012-CP-23-06209 & 2012-CP-23-06211
Appellate Case No. 2016-000130

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OCT 24 2016

SC Court of Appeals

Emil P. Kondra, individually, and as Trustee of the Emil P. Kondra Revocable Trust, Emil P. Kondra, LLC, Emil P. Kondra Family Trust, Eileen Saxton and Douglass E. Kondra, Helen Perry and Lawrence F. D'Alessio,..... Respondents,

v.

Robert A. Nitsch and Veronica G. Nitsch, Individually, and as Trustee of the Amended and Restated Veronica G. Nitsch Revocable Trust and the Amended and Restated Robert A. Nitsch Revocable Trust,..... Petitioners.

John M. Campbell, Jr., Esquire, Respondent,

v.

Robert A. Nitsch and Veronica G. Nitsch, Individually, and as Trustee of the Amended and Restated Veronica G. Nitsch Revocable Trust and the Amended and Restated Robert A. Nitsch Revocable Trust,..... Appellants.

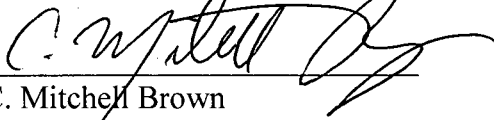
AGREED DISMISSAL OF APPEAL

The parties have resolved the above-captioned matter. The parties' settlement requires the approval of the Honorable Edward W. Miller of the Court of Common Pleas for the Thirteenth Judicial Circuit before it becomes effective. Accordingly, as required by Rule 261(b), SCACR, the parties have attached the Settlement Agreement to this filing. (See

Settlement Agreement, attached as Exhibit A.)¹ Based on this settlement, the parties now request that this appeal be dismissed in its entirety and this matter be remanded to the trial court to approve the Settlement Agreement and to grant the pending request for dismissal of counsel. The parties agree that no costs shall be assessed to either party under Rule 222, SCACR.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

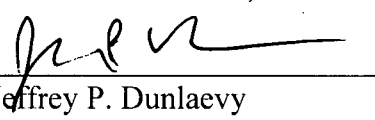
C. Mitchell Brown
SC Bar No. 012872
E-Mail: mitch.brown@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

A. Marvin Quattlebaum, Jr.
SC Bar No. 13048
E-Mail: marvin.quattlebaum@nelsonmullins.com
Samuel W. Outten
SC Bar No. 4295
E-Mail: sam.outten@nelsonmullins.com
104 South Main Street, Suite 900
Post Office Box 10084 (29603-0084)
Greenville, SC 29601
(864) 250-2300

Attorneys for Respondents

Columbia, South Carolina
October 24, 2016

STEPHENSON & MURPHY, LLC

By: 

Jeffrey P. Dunlaevy
207 Whitsett Street
Greenville, South Carolina 29601
(864)370-9400

Attorney for Appellants/Petitioners

Greenville, South Carolina
October 21, 2016

¹ In addition, Judge Miller has indicated that once the appeal is dismissed and the matter is remanded to the trial court, he intends to grant the pending request of Blair Fensterstock, Esq. and Stephanie Burton, Esq. to be dismissed as trial counsel for the Petitioners and Appellants.

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9025
www.nelsonmullins.com

C. Mitchell Brown
Tel: 803.255.9595
Fax: 803.255.9025
mitch.brown@nelsonmullins.com

October 24, 2016

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

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OCT 24 2016
SC Court of Appeals

RE: Emil P. Kondra v. Robert A. Nitsch
Appellate Case No. 2016-000130
Our File No. 21638/01501

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Agreed Dismissal of Appeal in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier.

With kind regards, I remain

Sincerely yours,



C. Mitchell Brown

CMB:lpw
Enclosure
cc: Jeffery P. Dunlaevy, Esquire