

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

CASE NO: 2007-CP-07-3212

H. Marshall Hoyler,)

Plaintiff(s),)

vs.)

The State of South Carolina, et al.,)

Defendant(s).)

ORDER DENYING MOTION
PURSUANT TO RULES 52(b)
AND 59(e), FILED 6/9/2016

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OCT 26 2016

SC Court of Appeals

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JERRI AHN ROSENE
BEAUFORT COUNTY, SC
CLERK OF COURT

This matter came before me on Plaintiff's Motion Pursuant to Rules 52(b) and 59(e), filed on June 9, 2016. This matter was previously ended by Order filed on May 27, 2016. Plaintiff appealed this Order with the South Carolina Court of Appeals to which Defendant's filed a Motion to Dismiss the Appeal. The Court of Appeals denied the Defendant's Motion to Dismiss the Appeal but further ruled to hold the Appeal in abeyance pending my ruling on the Rule 52(b) and 59(e) motion reference above. Counsel has consented to my review of the motion without a hearing.

After review of Plaintiff's motion, and Defendants' Memo in opposition, I hereby deny the Rule 52(b) and 59(e) motions.

IT IS SO ORDERED:



Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court
Judge for Beaufort County

October 26 2016
Beaufort, South Carolina

Austin & Rogers, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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VIA, HAND-DELIVERY

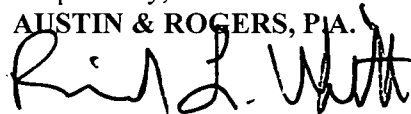
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

- Re: • H. Marshall Hoyler v. The State of South Carolina, Merry Land Properties, LLC, *et al.*
• Appellate Case No: 2016-001277
• **Your Court's Order, Filed September 28, 2016**

Dear Ms. Kitchings:

The undersigned represents the Appellant, H. Marshall Hoyler, in the above-referenced matter. Please reference your Court's Order, filed September 28, 2016. Your Court's Order, *inter alia*, required Mr. Griffith and myself as Appellant's counsel, to provide a status update to your Court, at least every thirty days after the date of your Court's Order.

We can report today that the Lower Court issued its denial of our pending Motions, on even date, (copy of Lower Court's decision enclosed for your ready reference), and jurisdiction may properly be returned to your Court. If you have any questions or need additional information, please feel free to contact us. With best regards,

Respectfully,
AUSTIN & ROGERS, P.A.


Richard L. Whitt,
Jefferson D. Griffith, III.

RLW/cas

Enclosure

cc: J. Emory Smith, Jr., Esquire, *via U.S. Mail*
Mary D. Shahid, Esquire, *via U.S. Mail*

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