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October 28, 2016

VIA U.S. MAIL & FACSIMILE

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

RECEIVED

OCT 31 2016

SC Court of Appeals

Re: Otha Delaney v. First Financial of Charleston, Inc.
Appellate Case No.: 2014-000824
Trial Court Case No.: 2011-CP-10-7166
YCR File No.: 14768-20110934

Dear Ms. Kitchings:

Our law firm represents Respondent First Financial of Charleston, Inc., in the above-referenced matter, which the Court decided by opinion filed September 28, 2016, affirming the trial court's dismissal of Appellant's suit against Respondent. We are in receipt of Appellant's Motion for Extension of Time to File Motion for Rehearing (the "Motion"), dated October 18, 2016, which, it appears, the Court received on October 20, 2016;¹ however, because the Court remitted the case to the trial court on October 19, 2016, it is our understanding that this appeal has been finally disposed of, there is no longer appellate jurisdiction over the matter, and the Motion cannot be heard. Wise v. S.C. Dep't of Corrections, 372 S.C. 173, 174, 642 S.E.2d 551 (2007) ("When the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter. The only exception to this rule is when the remittitur is sent down by mistake, error or inadvertence of the Court.") (internal citations omitted). To the extent that our understanding is incorrect and this Matter can be heard, please let us know, and Respondent will submit a formal return to the Motion; moreover, in light of Respondent's obvious interest in the conclusion of this matter in its favor, we are compelled to make clear that Respondent does not consent to the Motion or to recall of the remittitur and reserves all rights in furtherance of its position that this matter has been concluded with finality.


¹ The deadline for the Court to have received a petition for rehearing was Monday, October 17, 2016. See Opinion No. 5442 (filed September 28, 2016); Rule 221(a) and (b), SCACR; Rule 263(a) and (b), SCACR; S.C. Sup. Ct. Order No. 2016-10-10-01 ("Re: Hurricane Matthew").

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With best wishes and kindest regards, I am

Sincerely,

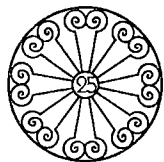
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RGH/kbb

cc: Graham E. Hawkins, III, Esquire (via U.S. Mail and email)
Philip L. Fairbanks, Esquire (via U.S. Mail and email)



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