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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

Appeal from Beaufort County  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2016-002485  
Trial Court Case No. 2014-CP-07-1068

Allison T. Cox, individually and as Personal Representative  
of the Estate of Brian Howard Cox, deceased, Plaintiff,

Respondent,

v.

FirstFleet, Inc., Defendant,

Appellant,

William Bradley Ricks, Cross-Plaintiff,

Respondent,

v.

FirstFleet, Inc., Cross-Defendant,

Appellant,

William Bradley Ricks, Third-Party/Joinder Plaintiff,

Respondent,

v.

James Edward Fields, Third-Party/Joinder Defendant,

Appellant.

**CONSENT MOTION FOR LIMITED REMAND**

YOUNG CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

Duke R. Highfield (SC Bar No. 64224)

Brandt R. Horton (SC Bar No. 72572)

Russell G. Hines (SC Bar No. 72100)

P.O. Box 993

Charleston, SC 29402

(843) 720-5488

*Counsel for Appellants*

*FirstFleet, Inc., and James Edward Fields*

COME NOW Appellants FirstFleet, Inc. (“FirstFleet”), and James Edward Fields (“Fields”), by and through their undersigned counsel, joined by and with the consent of all Respondents, by and through their undersigned counsel, and, on the grounds stated below, hereby move this Honorable Court for a limited remand of this case to the trial court for consideration and approval of a certain settlement agreement, which, if approved, will render this appeal moot.

1. The case arises out of a motor vehicle accident on November 19, 2013 (the “Subject Accident”).

2. It was commenced by Plaintiff–Respondent Allison T. Cox, individually and as Personal Representative of the Estate of Brian Howard Cox, deceased (“Cox”), with Cox asserting wrongful death and survival claims against FirstFleet and (then Defendant) Cross-Plaintiff/Third-Party/Joinder Plaintiff–Respondent William Bradley Ricks (“Ricks”).

3. As reflected in the above case caption, Ricks has asserted his own claims against FirstFleet and Fields arising out of the Subject Accident.

4. As also reflected in the caption, following a settlement of Cox’s claims against Ricks, Ricks was dismissed as a Defendant, with the caption amended to its present form, omitting reference to Ricks as a Defendant.

5. Appellants took this appeal following the trial court’s grant of Cox’s motion for separate trials (i.e., separate trials of Cox’s claims against FirstFleet and

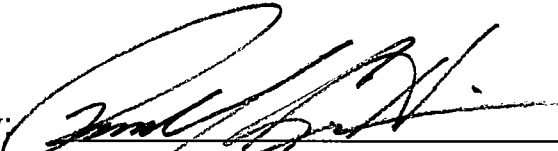
of Ricks' claims against FirstFleet and Fields) and the trial court's denial of Appellants' motion for reconsideration of same.

6. Cox has now reached an agreement with Appellants to settle the remainder of her claims, but settlement will require approval by the trial court. See S.C. Code Ann. § 15-51-41 ("Court approval required for settlement of wrongful death or survival action").

7. Were the settlement to be approved, this appeal would be rendered moot—no longer would there be any issue in regard to the trial court's grant of separate trials of Cox's and Ricks' claims because all of Cox's claims would be resolved and only Ricks' claims would remain pending.

WHEREFORE, Appellants, joined by and with the consent of all Respondents, move for a limited remand of this case to the trial court for the sole purpose of that court's consideration and approval of the settlement agreement that Cox and Appellants have reached. Should the trial court approve the settlement, the parties intend to seek an order dismissing this appeal by agreement (with all parties bearing their own fees and costs on appeal, i.e., with no award of appellate fees or costs being granted in favor of or against any party). Should the trial court not approve the settlement, the parties will promptly inform the Court so that this appeal may resume. Lastly, Appellants ask the Court to hold this appeal in abeyance until it acts upon the instant motion.

Respectfully submitted,  
YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown (SC Bar No. 66468)

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***Counsel for Appellants***

***FirstFleet, Inc., and James Edward Fields***

Charleston, South Carolina

Dated: 

**WE SO MOVE AND CONSENT:**

 *(by RGH with express permission)*

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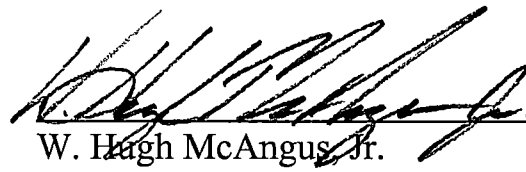
**and**

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**Counsel for Respondent**  
**Allison T. Cox, individually and as**  
**Personal Representative of the Estate**  
**of Brian Howard Cox, deceased**

Dated: 1/12/17

**WE SO MOVE AND CONSENT:**

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**Counsel for Respondent**  
**William Bradley Ricks**

Dated: 1/12/17

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FirstFleet, Inc., Cross-Defendant,

Appellant,

William Bradley Ricks, Third-Party/Joinder Plaintiff,

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v.

James Edward Fields, Third-Party/Joinder Defendant,

Appellant.

PROOF OF SERVICE

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*Counsel for Appellants*

*FirstFleet, Inc., and James Edward Fields*

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Appellants FirstFleet, Inc., and James Edward Fields, do hereby certify that I have served the **CONSENT MOTION FOR LIMITED REMAND** on all other parties by depositing a copy of the same in the United States Mail, postage prepaid, on January 12, 2017, addressed as follows to their counsel:

Bert G. Utsey, III, Esquire  
Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A.  
P.O. Box 1164  
Walterboro, SC 29488

*and*

Daniel E. Henderson, Esquire  
Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A.  
P.O. Box 2500  
Ridgeland, SC 29936

***Counsel for Respondent  
Allison T. Cox, individually and as  
Personal Representative of the Estate of Brian Howard Cox, deceased***

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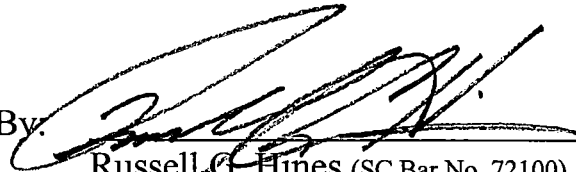
*and*

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Bauer & Metro  
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***Counsel for Respondent  
William Bradley Ricks***

Respectfully submitted,  
YOUNG CLEMENT RIVERS, LLP

By:



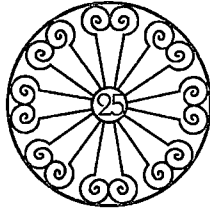
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Russell G. Hines (SC Bar No. 72100)

*Counsel for Appellants*  
*FirstFleet, Inc., and James Edward Fields*

Charleston, South Carolina

Dated: 1/12/17



# YCR LAW

Russell G. Hines  
Partner

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January 12, 2017

**VIA U.S. MAIL**

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

**RECEIVED**  
JAN 17 2017  
SC Court of Appeals

Re: Allison T. Cox v. FirstFleet, Inc.  
Appellate Case No. 2016-002485  
Circuit Case No.: 2014-CP-07-1068  
Claim No.: ffaccident A131172  
Date of Loss: 11/19/2013  
YCR File: 14780-20131030

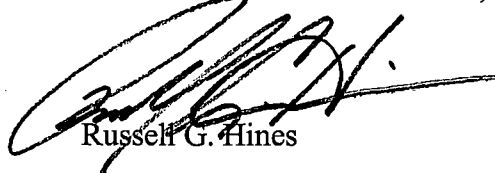
Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter please find the originals and one (1) copy each of a **Consent Motion for Limited Remand** and corresponding **Proof of Service**. Also enclosed is a \$25 check for the motion filing fee, as is an envelope in which I would ask that you kindly return to us stamped copies of these filings. Of course, should you have any questions or concerns, please let me know.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

RGH/

Enclosures

cc: (All Below Via U.S. Mail & Email)  
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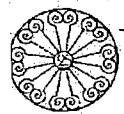
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