

**CLAWSON
AND
STAUBES**
LLC

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May 24, 2017

File No.: 20163984.000

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211-1629

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Re: Patricia Damico, et al. v. Myers Landscaping, et al.
Case No.: 2014-CP-08-02424
Claim No.: 08920956

MAY 26 2017

SC Court of Appeals

Dear Ms. Kitchings:

We write the Court in an abundance of caution regarding the pending appeal in the above referenced matter and identified as Appellate Case No. 2016-002339. We have previously spoken with Elizabeth Carter of the Court regarding a potential procedural issue that we wished to bring to the Court's attention.

This Appeal arises out of a Circuit Court decision to deny Defendant Lennar Homes, LLC's Motion to Compel Arbitration in this matter. The Notice of Appeal was filed on November 16, 2016. An Amended Notice of Appeal was filed on November 21, 2016. Our client, Myers Landscaping, did not enter an appearance in this case until January 3, 2017, at which time we sought to join other Defendants in the appeal of the decision to deny arbitration. Our concern lay in the fact that we had not made an appearance at the time the original decision was rendered, therefore not creating a clear path to briefing the issue at hand.

We are informed and believe that we are listed as a Respondent on the Appeal and that the Amended Notice of Appeal lists us as a party despite our not entering an appearance until January 2017. The Amended Notice of Appeal indicates that Myers Landscaping had been served, but had not yet made an appearance. As stated above, an appearance has been made on Myers behalf and we now seek to join in the appeal of the denial of the Motion to Compel Arbitration. We have also been granted leave for an extension of time to brief the Appeal by Order of the Court of Appeals on May 12, 2017. Based upon these facts, Myers Landscaping plans to proceed as a Respondent to this appeal and will file a brief in support of the Appeal accordingly.

May 24, 2017
Page 2

Very truly yours,

CLAWSON and STAUBES, LLC

A handwritten signature in black ink, consisting of a large, stylized 'T' and 'N' followed by a horizontal line extending to the right.

Trey M. Nicolette

TMN/sns

**CLAWSON
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