

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUN 16 2017

SC Court of Appeals

APPEAL FROM BARNWELL COUNTY
Doyet A. Early, Circuit Court Judge

Appellate Case No. 2017-001208
Case No. 2013-CP-06-0059

Lorenda Robinson, Elaine Nix, Archie Patterson,
and Tami Bollerman, Plaintiffs,

Of Whom, Archie Patterson and Tami Bollerman are Respondents,

v.

South Carolina Department of Employment and Workforce, Appellant.

**MOTION TO HOLD APPEAL IN
ABEYANCE AND TO REMAND**

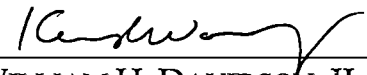
Appellant, the South Carolina Department of Employment and Workforce,
hereby moves that the appeal in this case be stayed, and the matter remanded to the
Court of Common Pleas so that a pending Rule 59 motion may be considered by
the lower court.

The Notice of Appeal in this case involves two Orders: an Order dated April 29, 2016, and an Order denying reconsideration of that Order, the latter Order having been entered on April 27, 2017. The latter Order held that the two Plaintiffs-Respondents (Bollerman and Patterson) have standing to bring this action, an issue not expressly addressed in the April 29, 2016 Order. The Appellant Department of Employment and Workforce filed a Rule 59 motion in connection with the 2017 Order on April 28, 2017, and that motion was still pending at the time of the filing of the Notice of Appeal in this case on May 22, 2017.

The present appeal was taken at the time it was taken because of the possibility that the April 28, 2017 Rule 59 motion might be considered a successive motion which would not stay the deadline for appeal of the 2017 Order. Defendant-Appellant now moves for a remand of the case, with directions to the Court of Common Pleas to rule on the April 28, 2017 motion. This will ensure that the Court of Common Pleas has ruled on all the issues which Appellant seeks to present in this Court.

Undersigned counsel for the Defendant has consulted with Dan Williams, counsel for Plaintiffs-Respondents, who, without waiving any other rights, consents to the motion.

DAVIDSON & LINDEMANN, P.A.

BY: 
WILLIAM H. DAVIDSON, II #1558
KENNETH P. WOODINGTON #6213
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

*Counsel for Appellant South Carolina
Department of Employment and Workforce*

Columbia, South Carolina

June 13, 2017

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CERTIFICATE OF SERVICE

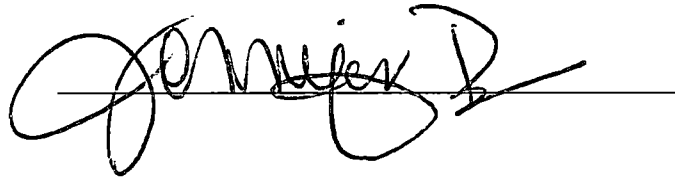
The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellant, does hereby certify that service of the **Motion to Hold Appeal in Abeyance and to Remand** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 13th day of June 2017:

Daniel W. Williams, Esquire
Bedingfield & Williams, LLC
Post Office Box 616
Barnwell, South Carolina 29812

C. Bradley Hutto, Esquire
Williams & Williams
Post Office Box 1084
Orangeburg, South Carolina 29115

Alexander D. Pattera, Esquire
Pattera Law Firm, LLC
104 South Calhoun Street
Greenville, South Carolina 29601

Stephen R. Suggs, Esquire
South Carolina Appleseed
Legal Justice Center
Post Office Box 7187
Columbia, South Carolina 29202

A handwritten signature in black ink, appearing to read "Stephen R. Suggs", is written over a horizontal line. The signature is stylized and cursive.

DAVIDSON & LINDEMANN, P.A. **RECEIVED**

ATTORNEYS AND COUNSELLORS AT LAW

JUN 16 2017

William H. Davidson, II
Andrew F. Lindemann*
James M. Davis, Jr.†
Robert D. Garfield
Michael B. Wren

1611 Devonshire Drive, Second Floor
Post Office Box 8568
Columbia, South Carolina 29202-8568
Telephone: (803) 806-8222
Facsimile: (803) 806-8855
www.dml-law.com
June 13, 2017

SC Court of Appeals
Daniel C. Plyler
Joel S. Hughes
David A. DeMasters
Steven R. Spreewuers
Brandon M. Briggs
Jasmine D. Wyman

*Also Admitted In North Carolina
†Certified Mediator

Of Counsel
Kenneth P. Woodington

Writer's Email: kwoodington@dml-law.com

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Lorenda Robinson, Elaine Nix, Archie Patterson, Tami Bollerman, Fred Alexander and Pamela Wooten v. South Carolina Department of Employment and Workforce
Court of Appeals Tracking Number: 2017-001208
Civil Action Number: 2013-CP-06-0059
Our File Number: 79.9168

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion to Hold Appeal in Abeyance and to Remand** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope. I have not enclosed a the filing fee since the Appellant is exempt pursuant to Rule 203(d)(1)(B)(iii), SCACR.

By copy of this letter, I am serving copies on all counsel of record. Thank you for your assistance in this matter.

With highest regards, I am

Sincerely yours,

DAVIDSON & LINDEMANN, P.A.



Kenneth P. Woodington

KPW/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
June 13, 2017
Page Two

cc: (w/ Enclosure)

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