

NEXSEN | PRUET

Jeffrey S. Tibbals
Member
Admitted in MD, VA, DC, SC

June 21, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29202

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JUN 26 2017

SC Court of Appeals

Re: D.A. Morgan Price v. Todd Chas
Appellate Case No. 2015-000940

Dear Ms. Kitchings:

On June 14, 2017, I received an Order from the Court of Appeals dismissing the above-referenced appeal. The Order apparently issued as a response to a letter from Drew Radeker, counsel for Respondent. Unfortunately, the Order states: "Appellants' counsel has submitted a letter stating that the parties have reached a settlement in this case." This statement, which serves as the predicate for the Order, is erroneous, as no letter from Appellants' counsel was sent.

Although the parties have reached agreement on a settlement in principle, a formal settlement agreement has not been executed. In addition, the settlement will involve third-party transactions which will take some time to complete.

I am writing to request that the Order be rescinded, or that the Court of Appeals take some other measure to ensure the continued viability of the appeal in the event that the settlement is not consummated.

I would prefer not to burden my clients with fees and costs associated with a motion, and therefore seek your assistance in resolving this issue with a minimum of additional time and expense.

Thank you very much for your prompt attention to this matter, and your consideration in assisting with corrective action.

205 King Street
Suite 400 (29401)
PO Box 486
Charleston, SC 29402
www.nexsenpruet.com

T 843.720.1772
F 843.414.8219
E JTibbals@nexsenpruet.com
Nexsen Pruet, LLC
Attorneys and Counselors at Law

The Honorable Jenny Abbott Kitchings
June 21, 2017
Page 2

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Jeffrey S. Tibbals". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffrey S. Tibbals

JST/ksh

cc: Andrew Sims Radeker, Esquire

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

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SC Court of Appeals

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