

# The South Carolina Court of Appeals

EX PARTE: Robert J. Thomas and Rogers Townsend &  
Thomas, PC, Appellants,

IN RE: Mary Beth Moore Sjoberg

Paula S. Saine, as the Attorney-in-Fact for Mary Beth  
Moore Sjoberg, Principal, and as the Daughter of Mary  
Beth Moore Sjoberg, Petitioner,

v.

Mary Beth Moore Sjoberg, an alleged Incapacitated  
person, A. Bea Hightower, as Guardian ad Litem for  
Mary Beth Moore Sjoberg, and Paula S. Saine,  
Respondents.

Of whom, Paula S. Saine, as the Attorney-in-Fact for  
Mary Beth Moore Sjoberg, Principal, and as the  
Daughter of Mary Beth Moore Sjoberg is Respondent.

Appellate Case No. 2016-002172

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## ORDER

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Appellants and Respondent have filed a joint motion to dismiss this appeal and to vacate the appealed orders of the probate court and the circuit court pursuant to Rule 261(d) of the South Carolina Appellate Court Rules. Rule 261(d) provides that the parties "may request vacation of opinions, orders, decisions and judgments previously issued in the matter" as part of a settlement agreement, but the agreement "must set forth the facts that warrant this extraordinary relief." Here, the parties explain they have settled the case and they seek vacation of the prior orders sanctioning Appellants because they "would be vulnerable to reversal on

appeal and would impugn [Appellants'] fine reputation." The motion also includes a discussion of the arguments Appellants intended to raise on appeal.

After careful consideration of the motion and the underlying orders, the joint motion is granted. Accordingly, this appeal is dismissed and the lower courts' orders regarding sanctions against Appellants are vacated.

H. B. Stein J.  
Paul W. Thomas J.  
Stephanie P. McDonald J.

Columbia, South Carolina

cc: Robert P. Wood, Esquire  
Arthur Kerr Aiken, Esquire

**FILED**

August 29, 2017