

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

84719

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

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OCT 02 2017

Trial Court Case Nos. 2013-CP-02-02849 and 2013-CP-02-02850
Appellate Case No. 2015-002417

SO Court of Appeals

In Re: The Estate of James Brown a/k/a James Joseph Brown,

Tommie Rae Brown.....Respondent,

v.

David C. Sojourner, Jr., in his capacity as Limited
Special Administrator and Limited Special Trustee,
Deanna Brown-Thomas, Yamma Brown, Venisha Brown,
Larry Brown, Terry Brown and Daryl Brown Respondents below,

Of whom David C. Sojourner, Jr., in his capacity as
Limited Special Administrator and Limited Special Trustee,
Deanna Brown-Thomas, Yamma Brown, Venisha Brown,
Terry Brown, Michael Deon Brown and Daryl Brown are the Appellants.

MOTION TO CLARIFY SEPTEMBER 19, 2017 ORDER

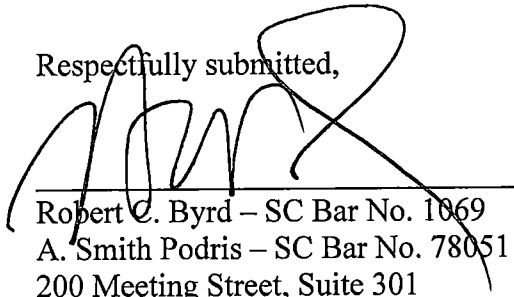
Appellants Deanna Brown Thomas, Yamma Brown and Venisha Brown (collectively, the “Children”), respectfully request that this Court clarify its Order entered September 19, 2017. The Children had requested that the LSA’s withdrawal from this appeal be conditioned upon requiring the LSA to fully and completely disclose the settlement terms reached between the LSA and Respondent Tommie Rae Brown. This Court denied the Children’s request.

In this Motion, the Children ask this Court to clarify that its denial of the Children’s request shall not be construed as a ruling upon the merits of the Children’s Motion to Compel Disclosure of Settlement Terms filed in the lower court and presently scheduled for hearing

before the circuit judge on October 31, 2017. In his Reply, the LSA argued that the merits of Children's Motion to Compel were not properly before this Court, stating that he is "informed and believes the issue regarding disclosure of settlement terms should be addressed in the Lower Court, in response to the Brown Children's motion," in part because there are additional parties to that action that are not parties to this appeal. (Reply of Appellant David C. Sojourner, Jr. in Support of Joint Notice of Settlement Between Appellant David C. Sojourner, Jr. and Respondent Tommie Rae Brown and Withdrawal of Appeal of David C. Sojourner, Jr., p. 4).

In order to avoid any confusion or doubt about the extent of this Court's ruling, however, the Children respectfully request this Court clarify that its ruling was only as to the Children's request that the LSA's withdrawal be conditioned upon the disclosure and that the Court's ruling does not decide or bear upon the separate question of whether the LSA and/or the Estate should or should not be compelled under South Carolina law to disclose the terms of a settlement reached with the Respondent.

Respectfully submitted,



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Attorneys for Appellants Deanna Brown Thomas,
Yamma Brown and Venisha Brown

September 29, 2017
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

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Deanna Brown-Thomas, Yamma Brown, Venisha Brown,
Terry Brown, Michael Deon Brown and Daryl Brown are the Appellants.

PROOF OF SERVICE

The undersigned hereby certifies that on the 29th day of September, 2017, s/he has
caused a copy of the MOTION TO CLARIFY SEPTEMBER 19, 2017 ORDER to be served
upon all parties of record by mailing a copy of the same addressed as follows:

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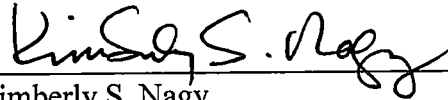
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September 29, 2017

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

**Re: In Re: The Estate of James Brown a/k/a James Joseph Brown, Tommie Rae Brown v. David C. Sojourner, Jr., et al.
Appellate Case No. 2015-002417**

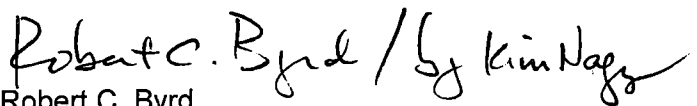
Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of a *Motion to Clarify September 19, 2017 Order* along with a *Proof of Service* and a \$25 check for the filing fee. Please return a filed-stamped copy of the motion in the enclosed postage-prepaid envelope.

By copy of this letter, we are serving all parties of record with a copy of the Motion. Should you have any questions regarding this matter, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

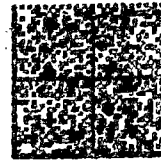

Robert C. Byrd

RCB:kxl
Enclosures

cc w/enc.: (please see the following page)

cc: Robert N. Rosen, Esq.
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S. Alan Medlin, Esq.
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Daryl Brown

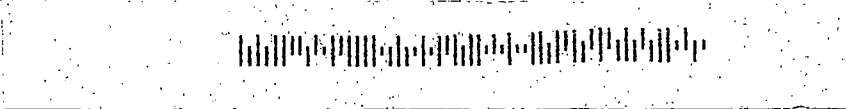
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