

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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FEB 16 2018

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

THE HONORABLE MAITE MURPHY, CIRCUIT COURT JUDGE

Case No. 2014-CP-10-07597

APPELLATE CASE NO. 2018-000143

CPM Federal Credit Union,.....Appellant,

v.

Geroge W. Lockwood and Sarah P. Thackston,.....Respondents.

**APPELLANT CPM FEDERAL CREDIT UNION'S MEMORANDUM
ADDRESSING THE FEBRUARY 6, 2018 LETTER FROM THE
COURT REGARDING APPEALABILITY**

Appellant, CPM Federal Credit Union, hereby responds to the letter of February 6, 2018 from the Court of Appeals regarding the immediate appealability of the Order of the Honorable Maite Murphy.

First, as reflected in the letter previously filed with this Court by CPM Federal Credit Union, all the parties to this suit have fully and finally settled the litigation. The trial court has been so informed. The parties signed settlement agreements at the conclusion of a mediation on March 2, 2018. Settlement papers are now being prepared. We expect to have a consent motion

regarding the dismissal of this appeal submitted to the Court of Appeals shortly. We ask, as we did in our prior letter, that the Court allows an extra ten (10) days for submission of materials to the Court.

In summary, the Order was appealable under Rule 201 of the South Carolina Appellate Court Rules because it was a final order affecting the rights of the Plaintiff/Appellant. It is not a “discovery order” dealing with resolution of issues arising under Rule 26 and following rules. As far as this Order is concerned, the matter is over. Second, no Rule 59e motion is required as a precondition to an appeal so long as all issues were fully presented to the trial court who, therefore, had a full opportunity to consider and rule upon all contentions. These two (2) positions could now be more fully briefed, but such effort is now just a waste of the Court’s time.

Appellant requests that the Court allow the parties an extra ten (10) days to submit further documentation to the Court.

Respectfully submitted,



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February 16, 2018
Columbia, South Carolina

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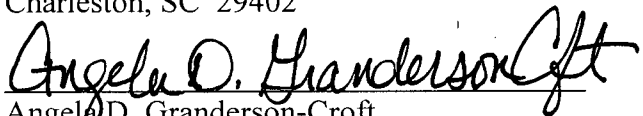
Geroge W. Lockwood and Sarah P. Thackston,.....Respondents.

PROOF OF SERVICE

I certify that I have served Appellant CPM Federal Credit Union’s Memorandum Addressing the February 6, 2018 letter from the Court Regarding Appealability by depositing a copy in the U.S. Mail, postage prepaid, on February 16, 2018, addressed to counsel of record as set forth below:

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