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SC Court of Appeals



Womble Bond Dickinson (US) LLP

550 South Main Street  
Suite 400  
Greenville, SC 29601t: 864.255.5400  
f: 864.255.5440Michael J. Bogle  
Direct Dial: 864-255-5426  
Direct Fax: 864-239-5865  
E-mail: [Michael.Bogle@wbd-us.com](mailto:Michael.Bogle@wbd-us.com)

May 9, 2018

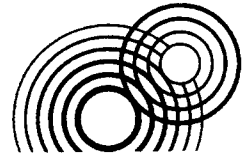
The Honorable Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals  
1220 Senate St.  
Columbia, SC 29201Re: *TD Bank, N. A. v. Black Diamond, LLC, et al.*  
*Appellate Case No. 2016-000537*

Dear Ms. Kitchings:

I am writing the Court on behalf of Respondent TD Bank N.A., Successor by Merger to Carolina First Bank, and Appellants Black Diamond, LLC, J. Christopher Lindgren and David A. Brosman in the above-referenced appeal, which is scheduled for oral argument on May 16, 2018 at 10:40 am. By way of a brief background, this is a foreclosure case involving two loans on commercial property in Beaufort County, South Carolina. In their answer to the complaint, Appellants asserted a number of counterclaims against Respondent. Thereafter, Respondent moved to strike Appellants' jury trial demand and for summary judgment on the counterclaims. The court granted the motion to strike and, in part, granted the motion for summary judgment. This case comes before the Court on Appellants' appeal of these two orders.

Over the past several weeks, Appellants have been in discussions with a lender about refinancing the subject property, which would resolve the case and the appeal. Those discussions have proceeded to a point that the parties believe there is a real and likely chance of a resolution that would be to the benefit of all involved, but need time beyond the scheduled May 16, 2018 oral argument date.

As such, we respectfully request that the Court continue oral argument on this appeal to the next term, which I understand is June 5 through 7. I have confirmed that all parties are available to argue the appeal that week, should a resolution not be reached.



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Best regards,

**Womble Bond Dickinson (US) LLP**

Catherine Farrell Wrenn

*On behalf of Respondent TD Bank N.A., Successor  
by Merger to Carolina First Bank and Appellants  
Black Diamond, LLC, J. Christopher Lindgren and  
David A. Brosman*

MJB:scc

cc: V. Claire Allen, Deputy Clerk (Via Fax# 803-734-1839)  
Clayton Monroe Custer, Esq.  
Michael James Bogle, Esq.  
Keating L. Simmons, III, Esq.  
Ehrick K. Haight, Jr., Esq.  
Stacey Studley Collins, Esq.