

# Ogletree Deakins

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July 19, 2018

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

**RECEIVED**  
JUL 23 2018  
SC Court of Appeals

RE: *Milton Jones, Jr., et al. v. CertusBank, N.A. and CertusHoldings, Inc.*  
Ex parte: Federal Deposit Insurance Corporation, Intervenor  
Appellate Case No.: 2018-000212

Dear Ms. Kitchings,

We are writing with a status update on the above-referenced appeal pursuant to the Court's May 4, 2018 Order.

This appeal was instituted by CertusBank, N.A., and CertusHoldings, Inc. (collectively "Certus"), on February 12, 2018. The Federal Deposit Insurance Corporation ("FDIC"), Intervenor, filed a Notice of Removal with the Court of Appeals on April 2, 2018, with the state court proceeding now pending in the United States District Court for the District of South Carolina as Case No. 6:18-cv-00849-AMQ. Based on the FDIC's removal to Federal Court, the Court of Appeals held all filing deadlines for the appeal in abeyance in its May 4, 2018 Order.

In addition to the removed action described above, Certus filed a supplemental proceeding in the United States District Court for the District of South Carolina on February 9, 2018, against the FDIC and Respondents Milton Jones, Jr., Walter Davis, and Angela Webb seeking declaratory judgment and a decision pursuant to the Administrative Procedures Act regarding the underlying claims in this matter (6:18-cv-00390-AMQ).

Respondents filed a Motion to Dismiss the supplemental proceedings in Federal District Court on March 9, 2018. United States District Judge Quattlebaum held a hearing on May 30, 2018 to address Respondents' Motion to Dismiss and Motion to Remand. Judge Quattlebaum took the matters under advisement, and the parties are awaiting a decision from the Court.

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Because the removed action is still pending in the Federal District Court, Appellants respectfully request that this appeal continue to be stayed and held in abeyance until determination from the United States District Court. We will provide an additional update in 60 days.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. McDonald III". The signature is fluid and cursive, with a prominent "C" and "M".

Charles E. McDonald III

CEM/rls

cc: Richard A. Harpootlian, Esq.  
Buddy Parker, Esq.  
Williams S. F. Freeman, Esq.

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