

Lucas, Jessica

To: Kitchings, Jenny
Subject: RE: Bostic v. Johnson & Johnson, 2017-CP-16-00400, Notice of Appeal filed by Defendant in the SC Court of Appeals at 1:58pm on Oct. 23, 2018

-----Original Message-----

From: Kitchings, Jenny
Sent: Wednesday, October 24, 2018 11:30 AM
To: Lucas, Jessica <jlucas@sccourts.org>
Subject: FW: Bostic v. Johnson & Johnson, 2017-CP-16-00400, Notice of Appeal filed by Defendant in the SC Court of Appeals at 1:58pm on Oct. 23, 2018

-----Original Message-----

From: Louis HERNs <Louis@milliganlawfirm.com>
Sent: Wednesday, October 24, 2018 11:07 AM
To: Swett, W. Christopher <cswett@motleyrice.com>; Toal, Jean <JToal@sccourts.org>; Kitchings, Jenny <jkitchings@sccourts.org>
Cc: Berry, Walker <wberry@sccourts.org>; Finch, Nate <nfinch@motleyrice.com>; LeBlanc, Sarah <sleblanc@motleyrice.com>; Andrae, Lane <landrae@motleyrice.com>; Herrick, John <jherrick@motleyrice.com>; ssuggs@darco.net; Christie Perrin <Christie@milliganlawfirm.com>; Ryan Conner <Ryan@milliganlawfirm.com>; Clark, Meredith K. <mkclark@motleyrice.com>; Jenifer Canaday <Jenifer@milliganlawfirm.com>
Subject: RE: Bostic v. Johnson & Johnson, 2017-CP-16-00400, Notice of Appeal filed by Defendant in the SC Court of Appeals at 1:58pm on Oct. 23, 2018

Dear Ms. Kitchings,

The Johnson & Johnson Appellants will be filing a reply to Mr. Swett's Motion to Dismiss by the close of business on Thursday, October 25, 2018.

Louis

MILLIGAN HERNs

Louis P. HERNs, Esq.
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-----Original Message-----

From: Swett, W. Christopher <cswett@motleyrice.com>

Sent: Wednesday, October 24, 2018 10:40 AM

To: 'Toal, Jean' <JToal@sccourts.org>; Jenifer Canaday <Jenifer@milliganlawfirm.com>; Kitchings, Jenny <jkitchings@sccourts.org>

Cc: Louis HERNs <Louis@milliganlawfirm.com>; Berry, Walker <wberry@sccourts.org>; Finch, Nate <nfinch@motleyrice.com>; LeBlanc, Sarah <sleblanc@motleyrice.com>; Andrae, Lane <landrae@motleyrice.com>; Herrick, John <jherrick@motleyrice.com>; ssuggs@darcoosc.net; Christie Perrin <Christie@milliganlawfirm.com>; Ryan Conner <Ryan@milliganlawfirm.com>; Clark, Meredith K. <mkclark@motleyrice.com>

Subject: Re: Bostic v. Johnson & Johnson, 2017-CP-16-00400, Notice of Appeal filed by Defendant in the SC Court of Appeals at 1:58pm on Oct. 23, 2018

Dear Jenny, Justice Toal & Walker, and Counsel:

Please find attached correspondence to the S.C. Court of Appeals including "Respondent's Emergency Motion to Dismiss Appeal and Waive or Expedite Briefing Schedule and Memorandum in Support," which is being hand-delivered and filed today.

This Motion to Dismiss concerns an appeal by Defendants of a date-certain trial date of November 5, 2018 set by Orders of Chief Justice Beatty and former Chief Justice Toal, who is the presiding trial judge, in the above-referenced case. I respectfully request that this Emergency Motion to Dismiss be considered as quickly as possible, as we are currently scheduled to appear at a pre-trial hearing on October 29, 2018 and begin jury selection and commence trial on November 5, 2018.

It is Plaintiff's position that the pre-trial hearing on October 29, 2018 proceed as scheduled even though trial is currently stayed.

Thank you,
Chris

W. Christopher Swett | Attorney at Law | Motley Rice LLC
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464 o. 843.216.9149 | f. 843.216.9450 | cswett@motleyrice.com

-----Original Message-----

From: Toal, Jean <JToal@sccourts.org>

Sent: Tuesday, October 23, 2018 3:47 PM

To: Jenifer Canaday <Jenifer@milliganlawfirm.com>; Kitchings, Jenny <jkitchings@sccourts.org>

Cc: Swett, W. Christopher <cswett@motleyrice.com>; Louis HERNs <Louis@milliganlawfirm.com>; Berry, Walker <wberry@sccourts.org>; Finch, Nate <nfinch@motleyrice.com>; LeBlanc, Sarah <sleblanc@motleyrice.com>; Andrae, Lane <landrae@motleyrice.com>; Herrick, John <jherrick@motleyrice.com>; ssuggs@darcoosc.net; Christie Perrin <Christie@milliganlawfirm.com>; Ryan Conner <Ryan@milliganlawfirm.com>

Subject: EXTERNAL-Re: Bostic v. Johnson & Johnson, 2017-CP-16-00400, Notice of Appeal filed by Defendant in the SC Court of Appeals at 1:58pm on Oct. 23, 2018

Dear Counsel: While I am not sure this matter is immediately appealable, it's facts being very different from Hagood v. Sommerville, the 2007 decision of our Supreme Court on appealability of an order disqualifying a party's attorney cited in Defendant's Appeal filed this afternoon. I also wonder whether or not Chief Justice Beatty's Order of Oct. 17, 2018 setting the case for a term and day certain and appointing me to preside can be appealed or stayed given it's separate status under the South Carolina Constitution. Be all that as it may, I will regard this matter as stayed at the moment. I would hope that the counsel will seek an immediate answer from the Court of Appeals so that I will know how to proceed with the Pretrial scheduled for Monday, Oct. 29, 2014 in Charleston as well as the trial Nov. 5, 2018 in Darlington. Best regards, Jean Toal

Sent from my iPad

On Oct 23, 2018, at 1:58 PM, Jenifer Canaday <Jenifer@milliganlawfirm.com<mailto:Jenifer@milliganlawfirm.com>> wrote:

Good Afternoon,

Please find attached a copy of correspondence with the Notice of Appeal to the Court of Appeals regarding the above-referenced matter. The Appeal has been filed with the Court as of this afternoon. A copy will be sent via U.S. Mail also. In addition, we will send a filed copy once it is received.

Thank you,

Jenifer L. Canaday

Jenifer L. Canaday
Paralegal

MILLIGAN <image001.jpg> HERNS

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<Boyd-Bostic - Clerk ltr filing Notice of Appeal -10.23.18.pdf> ~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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