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SC Court of Appeals

November 19, 2018

Via Hand Delivery

Deputy Clerk V. Claire Allen
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Bruce Schultze v. Stephen A. Brown
Appellate Case No. 2017-002504

Dear Clerk Allen:

This letter is submitted in response to the Court's request for a memorandum in regard to the Fugitive Disentitlement Doctrine. Counsel for Appellant apologizes for the brevity of this response, but the Court's request was received on November 9, 2018, while counsel was out of town, and counsel has been dealing with a number of deadlines which needed to be met by today, November 19, as counsel had a previously planned trip and will be out of the State from early Tuesday morning, November 20, through the end of the week. For that reason counsel has had insufficient time to fully address the request.

Nevertheless, Appellant would point out one of the very issues under appeal in this matter is the issuance of the Order ruling Appellant was in contempt which was issued on June 30, 2017. The Order holding Appellant in contempt ruled Appellant was in contempt and a bench warrant was issued solely because Appellant failed to show for a hearing on a discovery motion. To be clear, no rule to show cause or other order was issued requiring Appellant to appear before the court, and therefore he could not have been in contempt simply for failing to appear at a motion hearing.

Furthermore, the reason for the motion hearing at which Appellant was held in contempt for not appearing, was intended to address Appellant's failure to respond to discovery. Prior to the deadlines set for providing the discovery in question, Appellant forwarded to his prior attorney over 2000 pages of documents responsive to the

Respondent's discovery requests. Appellant is unaware if the documents were actually delivered by his prior attorney or why they would not have been delivered.

Finally, counsel for Appellant has been requested to make arrangements for the scheduling of a hearing in the Circuit Court in the immediate future. At that time Appellant will appear and all issues raised by Respondent can be addressed. For all of the above reasons Appellant would request the appeal not be dismissed and counsel for Appellant would request additional time until December 10, 2018, in which to provide further information to the Court of Appeals.

Truly Yours,

A handwritten signature in black ink, appearing to read 'Frank A. Barton', written in a cursive style.

Frank A. Barton

FAB/lfm

cc: Joseph M. McCulloch, Jr., Esquire (via facsimile and regular mail)