



The South Carolina Court of Appeals

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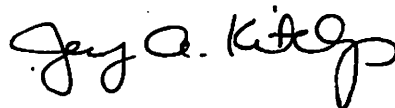
Re: H. Marshall Hoyler v. State of South Carolina
Appellate Case No. 2016-001277

Dear Counsel:

Upon review of this appeal, the Court noted a reference on page 54 of the record on appeal to an order issued by the Honorable John D. Geathers in his role as Administrative Law Judge. Judge Geathers issued orders on pre-hearing procedural matters in the two contested cases referenced on page 54 of the record prior to his election to the Court of Appeals in 2008, including an order approving a Stipulation of Dismissal. In neither case did he rule on the merits of the substantive issues. Out of an abundance of caution, the Court wishes to apprise the litigants that Judge Geathers may participate in the disposition of this appeal and to provide all parties an opportunity to consider whether they would waive any possible disqualification. See Canon 3, Code of Judicial Conduct, Rule 501, SCACR.

Within five (5) days of the date of this letter, counsel are requested to return the signed remittal of disqualification below indicating that each attorney's client has authorized counsel to sign this document and remit any potential disqualification. If any party prefers not to waive any possible disqualification, please notify the Court within five (5) days so that we may take the appropriate action.

Very truly yours,




CLERK

cc: Alan McCrory Wilson, Esquire

(Print Name): _____

On behalf of Appellant H. Marshall Hoyler



(Print Name): Emily Smith

On behalf of Respondent State of South Carolina

(Print Name): _____

On behalf of Respondent Merry Land Properties, LLC