

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

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J. Cordell Maddox, Circuit Court Judge

MAR 04 2019

Case No. 2013-CP-23-05424

SC Court of Appeals

Shadia Hewitt, ..... Respondent,

v.

The Shaw Corporation d/b/a Shaw's Pharmacy and  
Charles Cleburn Turner, ..... Defendants,  
of whom The Shaw Corporation d/b/a Shaw's Pharmacy  
Is the ..... Appellant.

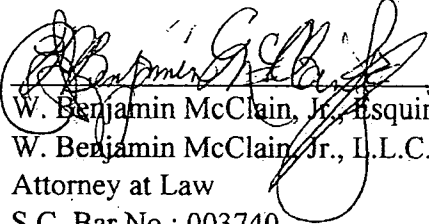
MEMORANDUM IN OPPOSITION TO APPELLANT'S MOTION  
FOR STAY OF APPEAL PENDING COMPLETION OF SETTLEMENT

The Appellant cannot have its cake and eat it, too. See Hartford Casualty Insurance Company, et al. vs. Crum & Forster Specialty Insurance Company, et al., 828 F.3d 1331 (2016), citing the seminal decision in this area of the law, U.S. Bancorp Mortgage Company, et al. v. Bonner Mall Partnership, et al., 513 U.S. 18, 115 S.Ct. 386, 130 L.E.2d (1994); Pee Dee Stores, Inc. v. Doyle, 672 S.E.2d 799, 381 S.C. 234 (2008). As in that case, there are no exceptional circumstances here. The long and short of it is that the Appellant wants the "back-up" of reinstating an appeal, if he can't comply with the settlement agreement.

Further in South Carolina jurisprudence, settlement agreements are viewed as contracts, and general contract legal principles are applied. (Pee Dee Stores, Inc. v. Doyle, supra.) The Memorandum In Opposition To Appellant's Motion For Stay Of Appeal Pending Completion Of Settlement Page | 1

Appellant cannot take a “wait and see” stance on the settlement, and, if the Appellant is not able to comply with the settlement, then conveniently reinstate the appeal. This meets neither equitable, nor legal standards in South Carolina. Therefore, it is respectfully submitted that this Honorable Court dismiss the Appellant’s Motion For Stay Of Appeal Pending Completion Of Settlement with prejudice.

Respectfully submitted,



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**SC Court of Appeals**

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March 1, 2019

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

(VIA EMAIL AND U.S. MAIL)

Re.: Shadia Hewitt v. The Shaw Corporation;  
Case No.: 2018-001603

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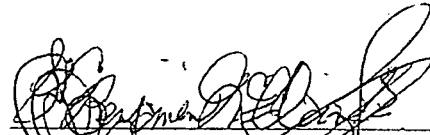
**MAR 04 2019**

**SC Court of Appeals**

Dear Ms. Kitchings:

The Respondent vehemently opposes the Appellant's Motion For Stay Of Appeal Pending Completion Of Settlement. A short Memorandum in opposition to this Motion is forthcoming shortly.

Sincerely,

  
\_\_\_\_\_  
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