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December 30, 2012

Via Federal Express Overnight:

Ms. Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: Brad Marett vs. Dallah Forrest and Summersett Golf, Inc.
Appellate Case Number: 2012-21202

Dear Ms. Kitchings:

I am in receipt of a letter dated December 26, 2012, to the South Carolina Court of Appeals, from J. Bradley Bennett, the attorney for the Respondent Brad Marett, regarding the above referenced case. Mr. Bennett has filed a Initial Brief dated December 27, 2012.

The Appellant is adamantly opposed to the Respondent's Motion to file the Brief out of time. The Appellant has had adequate time to adhere to the prescribed Rules of this Court. The Appellant's Initial Brief was filed on July 20, 2012. Furthermore, Appellant's counsel wrote to the Court on October 19, 2012, advising the Court that the Respondent had failed to respond and/or file any required pleadings in this matter. The Court then advised Appellant's counsel on November 13, 2012 to file and serve the Final Brief and Record on Appeal. The Appellant's counsel then had the Final Brief and Record on Appeal printed at a great expense to Appellant in the amount of \$763.84. Since the Appellant has already incurred costs in printing the Final Brief and Record on Appeal, the Respondent, who has not timely filed anything in this matter, should not be allowed to circumvent Court Rules and prescribed time limits in this matter. The Appellant alleges that Respondent was hospitalized for approximately ten (10) days several months ago and that his participation was not needed since this Appeal is based upon an already established record and Court documents. The Respondent Brad Marett was hospitalized for approximately one week in July of 2012. I don't see any reason that he should be given any time since he has had months. Mr. Bennett does not need the help of his client to file the Appeal since it is based solely on the records from the Court.

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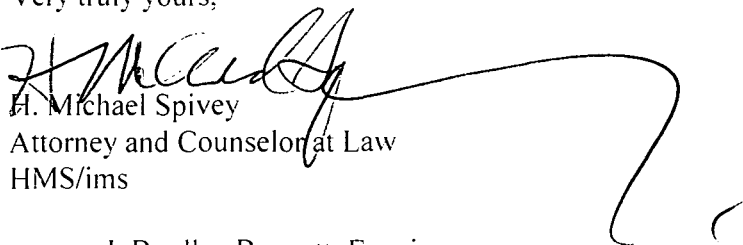
SC Court of Appeals

Wherefore, the Appellant prays for the Court to deny Respondent permission to file his Initial Brief and Designation of Matter out of time, as this would unduly prejudice Appellant, is purely done for further delay and the Appellant has occurred substantial printing costs in this matter.

By copy of this letter, I am advising J. Bradley Bennett of my communication with the Court.

If you should have any questions or require anything further, please feel free to contact my office.

Very truly yours,


H. Michael Spivey
Attorney and Counselor at Law
HMS/ims

cc: J. Bradley Bennett, Esquire