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Wilson, Luginbill & Kirkland, LLC

J. Christopher Wilson
Daniel W. Luginbill
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Reply to:
Post Office Box 1150
Bamberg, SC 29003

December 13, 2012

South Carolina Court of Appeals
Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211
Via fax and U.S. Mail: 803-734-1839

RE: Kathy Beason v. Chatone Lowden
C/A #: 2009-CP-38-2087
Case Tracking Number: 2012205827

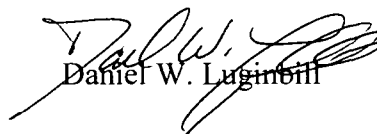
Dear Ms. Kitchings:

I am in receipt of Austin Hood's letter dated December 10, 2012. I certainly have no objection to Mr. Hood being able to file the Final Brief and Record on Appeal after we have filed our initial Respondent's Brief and Designation of Matter. Unfortunately, neither Mr. Hood nor myself have received the trial transcript from the court reporter, Ms. Harry Dot Walker. It is my understanding she is on medical leave until after the first of the year. Mr. Hood's Designation of Matter, and his initial brief, references the parties *discovery deposition testimony*, not trial testimony. I object to the use of deposition testimony since all the witnesses testified live, with the exception of one, Respondent's treating surgeon, Dr. Nelson.

I respectfully request, as indicated in my motion, that I be allowed to get the trial transcript before the 30 days to file Respondent's Initial Brief would begin to run. If the Court should decide not to grant the request, then I respectfully request 15 days to file Respondent's Initial Brief from the date I am notified my request is denied.

I thank you in advance for your consideration and guidance in how to proceed on this unusual issue.

Sincerely,


Daniel W. Luginbill

Cc: J. Austin Hood
Clyde C. Dean, Jr.

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SC Court of Appeals