



## THE BREHN LAW FIRM

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January 2, 2013

The Hon. Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: Appellate Case No. 2012-210726  
Doe, Cheryl v. Doe, Coleman

Dear Mrs. Kitchings:

My Firm represents Coleman Doe, the Respondent in the above referenced Appeal.

My file indicates that, on or about September 14, 2012, a letter from the Clerk of the Court of Appeals indicated that Cheryl Doe, the Appellant, was to file and serve a Petition for Rehearing and Proof of Service of same within ten (10) days from the date of said letter. To date, my Firm has not been served such document.

On or about December 17, 2012, my Firm received a copy of a document captioned *[Initial] Brief of Appellant* from Cheryl Doe. I note, in the Certificate of Service at the end of this document, Ms. Doe certifies that she served "the Initial Brief and Designation" on the Respondent. While I did receive the Brief, no Designation of Matter to be Included in the Record on Appeal was attached or enclosed with that document, as is required by Rule 209, SCRPC.

Further, correspondence in my file indicates that the Court dismissed this Appeal by the filing of an Order on August 28, 2012.

I am confused as to what to do next. As I have not received the Appellant's Petition for Rehearing, I considered this Appeal to be effectively dismissed due to the Court's Order entered on August 28, 2012, and the Appellant's failure to make timely filings of required documents indicated in the Court's letter dated September 14, 2012.

Further, since I did not receive the Appellant's Designation of Matter on Appeal, nor a copy of the Transcript of Record, I am not at all certain how to respond to the

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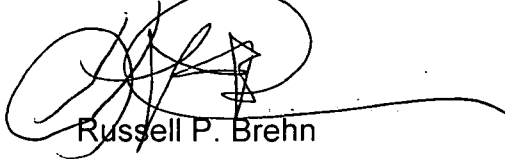
**SC Court of Appeals**

Appellant's Brief. In addition, the Brief submitted by Appellant is not in the form prescribed in Rule 208, SCRCP. The Brief sets out facts alleged by Appellant, but provides no legal issues to which I may respond by way of a Reply Brief, other than to re-argue the facts of the case and dispute her allegations.

In sum, I seek the Court's guidance in this matter. If I must file a Respondent's Brief in order to preserve and protect my client's rights, I will certainly do so. But if this matter has been dismissed, as my file indicates based on the Court's Order and Appellant's failure to file and serve a Petition for Rehearing on or before October 14, 2012, I do not wish to incur additional legal expenses for my client, the Respondent, Coleman Doe, should the same be unnecessary.

With kindest regards, I remain

Very truly yours,



Russell P. Brehn

RPB/dr

cc: Cheryl M. Doe, Appellant

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