

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BARNWELL COUNTY
Doyet A. Early, Circuit Court Judge

Appellate Case No. 2019-000599
Case No. 2013-CP-06-0059

RECEIVED
APR 16 2019
SC Court of Appeals

Lorenda Robinson, Elaine Nix, Archie Patterson,
and Tami Bollerman, Plaintiffs,

Of Whom, Archie Patterson and Tami Bollerman are .. Respondents-Appellants,

v.

South Carolina Department of Employment and Workforce, Appellant-Respondent.

**MOTION TO HOLD APPEAL AND CROSS APPEAL IN
ABEYANCE AND TO REMAND**

Appellant-Respondent, the South Carolina Department of Employment and Workforce, hereby moves that the appeal and the cross appeal in this case be stayed, and the matter remanded to the Court of Common Pleas so that a pending Rule 59 motion, as amended, may be considered by the lower court.

The Notice of Appeal in this case appeals a number of Orders. The next to the last one was e-filed on February 15, 2019. Both parties timely filed motions to reconsider. The circuit court e-filed an Order on March 11, 2019, denying both parties' motions to alter or amend, except on the issues raised by Plaintiffs' motion regarding the notice to the class, the class definition, and the claims made process established in the February 15, 2019, order, those latter issues being taken under advisement. Those issues were then decided in a third Order, e-filed on March 21, 2019, which granted Plaintiffs' motion to reconsider on those issues.

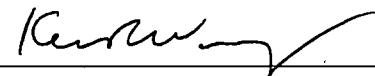
On March 28, 2019, the Appellant Department of Employment and Workforce filed a Rule 59 motion in connection with the March 21, 2019 Order. An amended motion was filed on March 29, 2019. The motion, as amended, was still pending at the time of the filing of the Notice of Appeal in this case on April 8, 2019. Plaintiffs filed a cross appeal several days later, on April 11, 2019.

The present appeal was taken at the time it was taken because of the possibility that the March 28, 2019, Rule 59 motion, as amended, might be considered a successive motion which would not stay the deadline for appeal of the March 11, 2019 and March 21, 2019 Orders. Defendant-Appellant now moves for a remand of the case, with directions to the Court of Common Pleas to rule on the March 28, 2019 motion, as amended. This will ensure that the Court of Common

Pleas has ruled on all the issues which Appellant-Respondent seeks to present in this Court.

Undersigned counsel for the Defendant has consulted with Dan Williams, counsel for Plaintiffs (Respondents-Appellants), who, without waiving any other rights, consents to the motion.

DAVIDSON, WREN & PLYLER, P.A.

BY: 
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*Counsel for Appellant-Respondent South
Carolina Department of Employment and
Workforce*

Columbia, South Carolina

April 16, 2019

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CERTIFICATE OF SERVICE

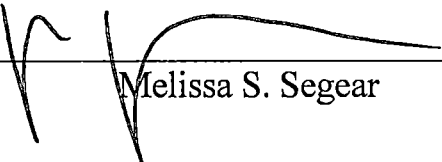
The undersigned employee of Davidson, Wren & Plyler, P.A., counsel for the Appellant, does hereby certify that service of the **Motion to Hold Appeal and Cross Appeal in Abeyance and to Remand** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 16th day of April, 2019:

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Of Counsel
Kenneth P. Woodington

April 16, 2019

Writer's Email: kwoodington@dml-law.com

RECEIVED
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SC Court of Appeals

Hand Delivered

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

RE: Lorinda Robinson, Elaine Nix, Archie Patterson, and Tami Bollerman v. South Carolina Department of Employment and Workforce
Appellate Case Number: 2019-000599
Civil Action Number: 2013-CP-06-0059
Our File Number: 79.9168

Dear Ms. Kitchings:

Please find enclosed for filing the original and one (1) copy of the **Motion to Hold Appeal and Cross Appeal in Abeyance and to Remand** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have not enclosed a the filing fee since the Appellant is exempt pursuant to Rule 203(d)(1)(B)(iii), SCACR.

By copy of this letter, I am serving copies on all counsel of record. Thank you for your assistance in this matter.

With highest regards, I am

Sincerely yours,

DAVIDSON & LINDEMANN, P.A.



Kenneth P. Woodington

KPW/mss
Enclosures

The Honorable Jenny Abbott Kitchings

April 16, 2019

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cc: (w/ Enclosures)

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