

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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MAY 29 2019
S.C. SUPREME COURT

APPEAL FROM RICHLAND COUNTY

The Honorable Amy W. McCulloch, Probate Judge

Appellate Case No. 2019-000727

In the Matter of the Estate for Bertha Maust-Thompson

Terri Ann Thompson, Wendy K. Thompson, and Robert
M. Thompson, Jr, as Co-Personal Representatives of the
Estate of Robert Miller Thompson, Sr.,.....Respondents,

v.

Marilyn M. White, as Personal Representative of the
Estate of Bertha Maust-Thompson,.....Petitioner.

MOTION TO STAY TIME LIMITS

John M. S. Hoefler
Chad N. Johnston
John W. Roberts
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Attorneys for Respondents

May 29, 2019
Columbia, South Carolina

Respondents hereby move in accordance with Rule 240, SCACR, for a stay of the deadline by which Respondents must serve and file their Return to the Petition for Writ of Certiorari in this matter until after resolution of Respondent's Motion to Dismiss the same. In support thereof, Respondents would respectfully show as follows:

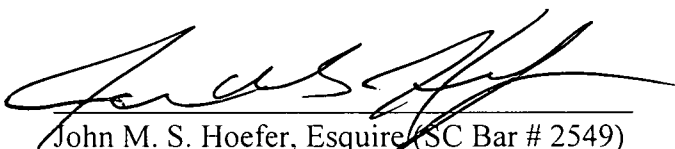
1. Petitioner filed her Petition for Writ of Certiorari with this Court on May 2, 2019.
2. Pursuant to Rule 242(f), SCACR, Respondents' Return to Petition is currently due on June 3, 2019.
3. Contemporaneously with this Motion, Respondents are filing a Motion to Dismiss the Petition.
4. The basis for the Motion to Dismiss is that the matter raised by the Petition is now moot because the underlying issue in this case was whether a federal estate tax return for the Decedent's estate should be filed to make available to the Decedent's surviving spouse a significant estate tax benefit and, subsequent to Petitioner's filing of this appeal and the Petition, the estate tax return was filed, irrevocably vesting the surviving spouse with the right to this estate tax benefit. *See* Resp. Mem. in Supp. Mot. to Dismiss at 8-10.
5. Resolution of the Motion to Dismiss in favor of Respondents would render consideration of the Petition unnecessary.
6. Accordingly, in order to conserve the time and resources of this Court and the parties, Respondents move for a stay of the deadline by which Respondents must serve and file their Return to the Petition pending a determination of Respondents' Motion to Dismiss.
7. This Motion is based upon the foregoing and on the memorandum submitted in support of Respondent's Motion to Dismiss and the affidavits attached thereto which are incorporated herein by reference.

8. The undersigned submits the within request is being made in good faith and is not interposed for delay.

9. Counsel for Respondents has consulted with counsel for Petitioner, who does not consent to the within request.

WHEREFORE, having fully set forth their motion, Respondents respectfully request that this Court stay the deadline for which Respondents must serve and file their Return to the Petition pending resolution of their Motion to Dismiss the Petition.

Respectfully Submitted,



John M. S. Hoefer, Esquire (SC Bar # 2549)

Chad N. Johnston, Esquire (SC Bar #73752)

John W. Roberts, Esquire (SC Bar # 78889)

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PROOF OF SERVICE

This is to certify that I, a paralegal with the law firm of Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy each of the Respondents' **Motion to Dismiss Petition for Writ of Certiorari, Memorandum in Support of Motion to Dismiss Petition for Writ of Certiorari, and Motion to Stay Time Limits** via hand-delivery to the following:

Catherine H. Kennedy, Esquire
Duvall Spruill, Esquire
TURNER PADGET GRAHAM & LANEY P.A.
1901 Main Street, Suite 1700
Columbia, SC 29201


Elizabeth Kurtz

Columbia, South Carolina
This 29th day of May 2019