

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2018-002009

Case No. 2015-CP-26-05573

RECEIVED

AUG 06 2019

SC Court of Appeals

K.A. Diehl and Associates, Inc.,.....Respondent,

v.

James Perkins, Colleen Franke a/k/a Colleen Franke
Perkins, Mark Dos Santos, Nancy Moore, William Moore,
Steven Dame, and Errol Dos Santos, Defendants,

Of whom Mark Dos Santos is the Appellant.

MOTION REGARDING ORAL ARGUMENT

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Counsel for Respondent

Pursuant to Rule 240, SCACR, K.A. Diehl and Associates, Inc. respectfully moves this Court to schedule oral argument for this case on the same day and before the same panel as oral argument in Case No. 2018-000041.

Scheduling oral argument for the same day and before the same panel in these two appeals will promote judicial economy and just results because the appeals arise from the same set of facts and involve similar legal questions. As for the facts, both appeals challenge the settlement agreements that were reached at a joint mediation held on May 1, 2017. Mark dos Santos (the appellant in both cases) claims that those agreements are not valid; nevertheless, the circuit court granted motions to enforce the agreements. After the circuit court denied his motions to reconsider, dos Santos appealed in both cases.

As for the law, both appeals focus heavily on Rule 43(k), SCRCP. The primary issue in both cases is whether that Rule applies to the settlement agreements, and, if it does, whether it was satisfied.

Given the similar facts and law involved in these two appeals, one panel of this Court should decide both cases. That way, three judges, rather than six, learn these facts and issues, and the chances of inconsistent results are minimized. And because neither case has been set for oral argument, holding argument on the same day and before the same panel in both cases will not require any change to the Court's calendar.

Respectfully Submitted,



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Counsel for Respondent

August 6, 2019
Columbia, SC

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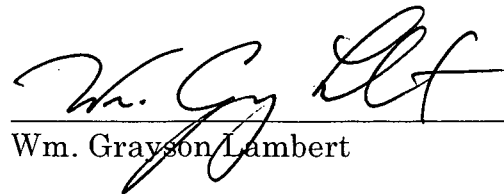
James Perkins, Colleen Franke a/k/a Colleen Franke
Perkins, Mark Dos Santos, Nancy Moore, William Moore,
Steven Dame, and Errol Dos Santos, Defendants,

Of whom Mark dos Santos is the Appellant.

CERTIFICATE OF SERVICE

This MOTION REGARDING ORAL ARGUMENT was served on counsel for
the Appellant on August 6, 2019:

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August 6, 2019

VIA COURIER

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AUG 06 2019

SC Court of Appeals

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

**Re: K.A. Dial and Associates, Inc. v. James Perkins, et al.
Appellate Case No. 2018-002009**

Dear Ms. Kitchings:

Enclosed for filing, please find the original and twenty (20) copies of the Final Brief of Respondent in the above case. I would appreciate it if you would file the brief and return the file stamped copies to me via our courier.

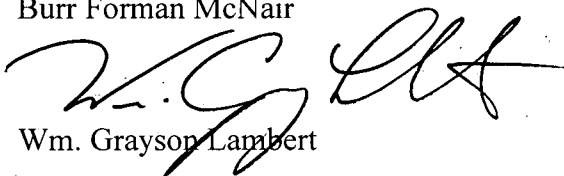
I am also enclosing for filing the original and ten (10) copies of Respondent's Motion Regarding Oral Argument. Please file the motion and return the file stamped copies to me via our courier.

By copy of this letter, I am herewith serving counsel for the Appellant with a copy of the final brief and motion.

Thank you for your assistance in this matter.

Respectfully yours,

Burr Forman McNair



Wm. Grayson Lambert

WGL:lg

Enclosures

cc: D. Jay Davis, Jr., Esq. (w/enc.)