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September 13, 2019

VIA USPS

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

RECEIVED
SEP 16 2019
SC Court of Appeals

RE: *J. Daniel Mahoney v. The Muhler Company, Inc. and Henry M. Hay, III*
Case No.: 2019-CP-10-00178
Appellate Case No.: 2019-001237

Dear Ms. Kitchings:

In our return to Mr. Mahoney's motion to dismiss the above appeal, we noted that oral argument was scheduled on September 10 in a case that concerns the same issue raised in this appeal, namely a court's authority to determine issues beyond that of arbitrability when presiding over a motion to compel arbitration.

As the Court is of course aware, oral argument in that case, *McIntire v. Sequest Development Co., et al.*, Appellate Case No. 2017-001270, was postponed on account of hurricane Dorian until November. See Email of September 4, 2019. This letter is simply to permit a notation to be made in the file of this case, 2019-001237, providing an update on the status of the *McIntire* argument while the Court considers the pending motion.

With thanks and kindest regards,

ANDREW K. EPTING, JR., LLC



Jaan G. Rannik

cc: Clay McCullough, Esquire

Jaan Rannik

From: Allen, Claire <CAllen@sccourts.org>
Sent: Friday, September 6, 2019 09:16
To: Andrew K. Epting; Jaan Rannik; mendemann@clarksonwalsh.com; ebuckley@ycrlaw.com; jdaigle@ycrlaw.com; rhines@ycrlaw.com; sbrown@ycrlaw.com
Subject: McIntire v. Seaquest Development Case Number 2017-001270

Dear Counsel:

The Court has granted the motion to continue the oral argument in this case.

The argument scheduled for Tuesday, September 10, 2019, at 10:00 is cancelled.

The Court advises the parties may either agree to submit the case on the record and briefs without argument or have argument scheduled during the November 2019 term which is November 4 and November 5.

Please respond by return email concerning your receipt of notice of the continuance and decision regarding the future handling of the case.

Thank you,

Claire Allen
Deputy Clerk
S.C. Court of Appeals
callen@sccourts.org

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