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Attorneys at Law

December 10, 2019

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DEC 10 2019

SC Court of Appeals

Via Hand Delivery

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: *Garrard, et al. v. Charleston County School District, et al.*
Appellate Case No. 2016-002525

Dear Ms. Kitchings:

We are in receipt of the Court's Order recalling the remittitur in the above referenced case. Upon inquiry with the case manager regarding the reason for recalling the remittitur, we were informed that Appellants filed a Petition for Rehearing with the Court necessitating the recall.

In reviewing Appellants' Petition on the Court's Case Management System, it appears that Appellants mailed the Petition to the Court on November 21, 2019, by letter addressed to the Court's Post Office Box. This would be consistent with the text of the letter requesting return of the file-stamped copy by mail and the post mark appearing on the envelope for the service copy to the other defendants' counsel. We ourselves have still not received our service copy of the Petition, notwithstanding that over two weeks have transpired since it was sent.

If the Petition was mailed to the Court's P.O. Box on November 21, 2019, there is no way that the Court would have received the filing on the same date, as required for the Petition to be timely under Rule 221(a), SCACR. We recognize, of course, that it is possible that Appellants had the Petition filed by hand on November 21, but that is not what the documents on file with the Court show – to the contrary, the documents indicate that the Petition was put in the mail and addressed to the Court's P.O. Box on November 21. If indeed that is what happened, then the Petition could not have been timely filed under Rule 221(a). Therefore, we respectfully request the Court determine the timeliness of Appellants' Petition for Rehearing and summarily dispense with it on that basis, if appropriate.

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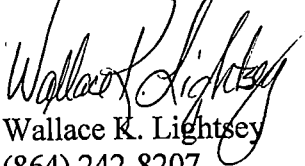
PO Box 728, Greenville, SC 29602-0728
p: 864.242.8200 | f: 864.235.8900
www.wyche.com

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Thank you so much for your assistance.

With highest regards,


Wallace K. Lightsey
(864) 242-8207
wlightsey@wyche.com

c: John E. Parker, Esq. (*by electronic mail only*)
William F. Barnes, III, Esq. (*by electronic mail only*)
William H. Davidson II, Esq. (*by electronic mail only*)
Steven R. Spreuwiers, Esq. (*by electronic mail only*)
Meliah Bowers Jefferson, Esq. (*by electronic mail only*)