

HOWELL, GIBSON AND HUGHES, P.A.
ATTORNEYS AT LAW

Post Office Box 40
Beaufort, South Carolina 29901-0040
www.hghpa.com

25 RUE DU BOIS
LADY'S ISLAND
BEAUFORT, SOUTH CAROLINA 29907

STEPHEN P. HUGHES
PATRICK M. HIGGINS *
ROBERT W. ACHURCH III *
DAVID S. BLACK*
MARY BASS LOHR
THOMAS A. BENDLE, JR.

WILLIAM H. COX, III
NATHAN E. AKERS
CATHERINE L. FLOEDER

TELEPHONE: 843 - 522-2400
FAX NUMBER: 843 - 522-2429
WRITER'S DIRECT: 843-522-2422
DIRECT E-MAIL: tbendle@hghpa.com
PARALEGAL E-MAIL: hgiles@hghpa.com

* Certified Mediator

June 8, 2020

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED
JUN 11 2020
SC Court of Appeals

Re: Johnnie Lee Milledge vs. Charles W. Rhode and Morgan Renee Sires
Civil Action No.: 2017-CP-10-01240
Our File No.: 12287 TAB

Dear Ms. Kitchings:

On May 28, 2020, Plaintiff's Counsel in the above referenced matter, James Moss, wrote to you enclosing a Notice of Appeal, along with a copy of the Order which he is challenging. The Order was issued by Circuit Court Judge Bentley D. Price on May 5, 2020 and is an Order denying Mr. Moss's Motion for Reconsideration. The original Order that set aside an entry of default was issued by Judge Price on October 30, 2019. Only the Motion to Reconsider has been appealed. A final judgment in this case has never been entered.

I am writing to ask the Court to dismiss the Notice of Appeal as untimely as the Defendant, Morgan Sires' underlying motion was made pursuant to Rule 55(c). I believe that, Pursuant to the case of *Jefferson by Johnson v. Gene's Used Cars, Inc.* 295 S.C. 317, 368 S.E.2d 456 (1988), "[T]he grant or denial of a Rule 55(c) motion is not directly appealable under S.C. Code Ann. Section 14-3-330 (1976)."

Please let me know if you should have any questions or concerns. I appreciate your attention to this matter.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

A handwritten signature in black ink, appearing to read "T. Bendle Jr." with a stylized flourish at the end.

Thomas A. Bendle, Jr.

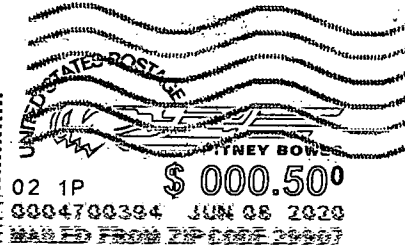
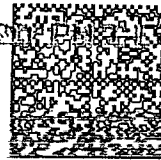
TAB/bg

cc: James H. Moss, Esquire
E. Warren Moise, Esquire

TAB/WHC
HOWELL, GIBSON AND HUGHES PA
POST OFFICE BOX 40
BEAUFORT, SC 29901

CHARLESTON SC 294

08 JUN 2020



RECEIVED

JUN 11 2020

SC Court of Appeals

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

29211-162929

