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Oct 28 2020

S.C. SUPREME COURT

October 28, 2020

VIA ELECTRONIC FILING

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

RE: City of Myrtle Beach, For Itself and a Class of Similarly Situated
Plaintiffs, Respondents, *v.* Horry County, Appellant;
Appellate Case No. 2019-001134

Dear Mr. Shearouse:

As you are aware, on October 16, 2020, the Court issued its order holding the above-referenced appeal in abeyance pending approval by the circuit court of the parties' September 4, 2020, settlement agreement in principle ("SIP"). The parties are pleased to inform the Court that an order approving the SIP was issued by the circuit court on October 20, 2020 ("Circuit Court Order"). Accordingly, Respondent City of Myrtle Beach respectfully submits that the above-referenced appeal should now be dismissed. I am authorized to represent to the Court that Appellant Horry County consents to a dismissal.

However, and as you are further aware, the City of Myrtle Beach has now filed (a) in the Court of Appeals an appeal from the Circuit Court Order¹ and (b) in this Court a motion to certify that appeal, both as expressly provided for in the SIP. This subsequent appeal only involves resolution of a discrete legal issue regarding disposition of portions of an agreed common fund under Rule 23(e), SCRCP, and has no impact on the matters pending in Appellate Case No. 2019-001134, which involved review of a preliminary issued by the circuit court which is now moot as a result of the SIP. My purpose in mentioning this new appeal is to avoid any question with respect to the ripeness of this request that the appeal in Appellate Case No. 2019-001134 be dismissed.

Our check in the amount of \$50.00 for the filing fee associated with this motion will be mailed to you. By copy of this letter, we are serving counsel for Appellant Horry County electronically and enclose a proof of service to that effect, with transmittal email, as provided for under Order 2020-05-29-02, part (g)(3).

If you have any questions or if you need any additional information, please do not hesitate to contact me. With best regards, I am,

Very truly yours,

WILLOUGHBY & HOEFER, P.A.

s/John M. S. Hoefer

John M. S. Hoefer

cc: James K. Gilliam, Esquire (via Electronic Mail with enclosure)
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¹ That appeal is docketed in Appellate Case No. 2020-001409.