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November 3, 2020

RECEIVED

Nov 13 2020

SC Court of Appeals

VIA EMAIL: tpclark@sccourts.org

V. Claire Allen

Chief Deputy Clerk

South Carolina Court of Appeals

Post Office Box 11629

Columbia, South Carolina 29211

Re: *John Kubilis v. Wayne Hunter Wallace and The Star Tavern, LLC d/b/a Star Tavern*
Appellate Case No. 2020-001471
C/A No. 2020-C-26-00484
Our File No. 2020-0326C

Dear Ms. Allen:

This letter is in regard to the Court's letter of November 12, 2020 in which you asked for the status of the SCRCP 60(b) motion. In order to understand the current case status, I would offer the following.

Mr. Wallace was found in default and a WebEx hearing was held. After the WebEx hearing was held, Mr. Wallace came to me. I had not previously represented him. In the interim period of time, the circuit court, with an out-of-town judge, issued a judgment for \$150,000.00. I filed a motion for reconsideration within the time limits permitted by law and that was denied. The out-of-town judge does not have jurisdiction over my SCRCP 60(b) motion, and it is pending in the Horry County Court of Common Pleas. Obviously, I had to file an appeal of the denial of my motion for reconsideration in regard to the Order of Judgment in order to protect Mr. Wallace's rights.

In talking with the Appeals Specialist this morning, I was told it is possible the Court might want to delay any action on the appeal until the SCRCP 60(b) motion is heard by a judge in Horry County. As you know, the motion roster is very slow at this time and it is doubtful that the SCRCP 60(b) motion will be heard until Spring of 2021.

The Honorable Jenny Abbott Kitchings
November 13, 2020
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I hope this answers your questions. Please advise me as to whether or not the Court is going to stay the appeal until the SCRCP 60(b) motion is heard or whether I am to proceed with the current appeal

Sincerely yours,



Gene M. Connell, Jr.

GMC,Jr.:sm

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