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**Jul 06 2021**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Horry County  
Court of Common Pleas

William H. Seals Jr., Circuit Court Judge

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Case No. 2015-CP-26-05573  
Appellate Case No. 2018-002009

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K.A. Diehl and Associates, Inc.,

Respondent,

v.

James Perkins, Colleen Franke a/k/a Colleen Franke Perkins,  
Mark Dos Santos, William Moore, Steven Dame  
and Errol Dos Santos,

Defendants,

Of whom Mark Dos Santos is the

Appellant.

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**CONSENT MOTION TO HOLD APPEAL IN ABEYANCE  
TO ALLOW PARTIES TIME TO PURSUE POTENTIAL RESOLUTION**

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CLEMENT RIVERS, LLP  
D. Jay Davis Jr.  
Russell G. Hines  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 577-4000

*Attorneys for Appellant*

Now comes Appellant, Mark Dos Santos, by and through his undersigned counsel, joined by and with the consent of Respondent, K.A. Diehl and Associates, Inc., by and through its undersigned counsel, and moves this Honorable Court for an order holding this appeal in abeyance for a period of at least thirty (30) days.

Recently, Appellant and Respondent (among others) were able to resolve another matter before this Court, namely, Appellate Case No. 2018-000041, which was dismissed (on the parties' Joint Motion to Dismiss Appeal, filed June 21, 2021) by order of this Court filed June 24, 2021. The instant motion is made on the ground that the parties are exploring the possibility for resolving this matter, too, and they mutually believe that the Court's grant of the relief requested herein will aid in that endeavor and, conversely, will not result in any undue prejudice.

Wherefore, Appellant, joined by and with the consent of Respondent, moves the Court to hold this appeal in abeyance for a period of at least thirty (30) days to allow the parties the time to pursue a potential resolution of this matter.

**<SIGNED ON THE FOLLOWING PAGE>**

Respectfully submitted,  
CLEMENT RIVERS, LLP

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*Attorneys for Appellant*

Charleston, South Carolina

July 6, 2021

**WE JOIN AND CONSENT:**

BURR & FORMAN, LLP

By: s/Alicia E. Thompson  
Henrietta U. Golding  
Alicia E. Thompson  
P.O. Box 336  
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(843) 444-1107  
*Attorneys for Respondent*  
*K.A. Diehl and Associates, Inc.*

Myrtle Beach, South Carolina

July 6, 2021

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and Errol Dos Santos,

Defendants,

Of whom Mark Dos Santos is the

Appellant.

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**PROOF OF SERVICE**

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*Attorneys for Appellant*

I, Russell G. Hines, of Clement Rivers, LLP, attorney for Appellant, hereby certify that the foregoing **CONSENT MOTION TO HOLD APPEAL IN ABEYANCE TO ALLOW PARTIES TIME TO PURSUE POTENTIAL RESOLUTION** was served on Respondent on July 6, 2021, via email (see attached) to Respondent's counsel of record:

Henrietta U. Golding, Esquire  
[hgolding@burr.com](mailto:hgolding@burr.com)  
Alicia E. Thompson, Esquire  
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P.O. Box 336  
Myrtle Beach, SC 29578  
*Attorneys for Respondent*  
*K.A. Diehl and Associates, Inc.*

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Russell G. Hines  
*Attorneys for Appellant*

Charleston, South Carolina

July 6, 2021

## Bell, Pollyana (Polly)

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**From:** Bell, Pollyana (Polly)  
**Sent:** Tuesday, July 6, 2021 2:27 PM  
**To:** 'hgolding@burr.com'; 'athompson@burr.com'  
**Cc:** Hines, Russell; Justman, Aimee  
**Subject:** K.A. Diehl v. Perkins; Appellate Case No. 2018-002009  
**Attachments:** K.A. Diehl v. Perkins (2018-002009) -- Consent Motion to Hold Appeal in Abeyance.pdf

Good afternoon, attached please find a Consent Motion to Hold Appeal in Abeyance to Allow Parties Time to Pursue Potential Resolution in the above-referenced matter which will be filed today.

Thank you,  
Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
Phone:(843)720-5488 | Fax:(843)579-1369



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