

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable L. Casey Manning

Appellate Case No. 2020-001660

Crystal Morgan, Respondent,

v.

B&L Foreign Car LLC, Appellant.

MEMORANDUM IN SUPPORT OF APPELLANT'S MOTION
TO APPROVE AGREEMENT AND TO DISMISS APPEAL

INTRODUCTION

The Appellant has moved for the approval of an agreement and dismissal of the within appeal. The Appellant now submits this memorandum in support thereof.

BACKGROUND

Notice of appeal was served on December 14, 2020, and thereafter timely filed with this Court. Thereafter, Appellant filed its initial brief and designation of matter. No other briefs, designations, motions, or petitions have been filed.

FACTS

Appellant and Respondent have entered into a settlement agreement and mutual release ("agreement"). The agreement provides that each party will bear its own attorney's fees, expenses, and costs that it incurred, and will incur, in connection with the underlying litigation,

the appeal, and the negotiation and preparation of the agreement. The agreement further provides that it is contingent upon approval and that in the event that this Court declines to approve it, the agreement is void. The agreement has been signed by each of the parties and reviewed and approved as to form by their respective counsel.

LAW

Rule 222, SCACR provides that unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed. Rule 260(b), SCACR provides that if the parties to an appeal or other proceeding shall sign and file with the clerk of the appellate court an agreement that the proceedings be dismissed, the appellate court may enter an order of dismissal. Rule 260(b), SCACR further provides that the agreement may contain a provision altering the costs to be assessed under Rule 222 and/or other settlement terms subject to the provisions of Rule 261.

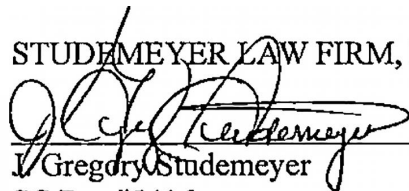
Rule 261(b), SCACR provides that if a settlement agreement relates to a matter that is pending before an appellate court, the settlement agreement need not be submitted to the appellate court unless approval by the appellate court, a lower court or tribunal is required before the agreement can be effective, or the parties desire to have the agreement approved by the appellate court.

ARGUMENT

Appellant submits that the agreement is fair and equitable, was reached by the parties through arms-length negotiations by competent attorneys, and should be approved pursuant to Rule 261(b), SCACR. Appellant further submits that once the agreement is approved, that the within appeal be dismissed in accordance with Rule 260(b), SCACR.

Respectfully submitted,

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