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September 27, 2021

**RECEIVED**

**Sep 27 2021**

**SC Court of Appeals**

**VIA EMAIL ONLY**

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Re: K.A. Diehl and Associates, Inc. v. James Perkins  
Appellate Case No.: 2018-002009  
Case No.: 2015-CP-26-05573  
Claim No.: 916718  
YCR File: 14168-20180194

Dear Ms. Kitchings:

As the Court, of course, knows, the only two parties to the above-referenced appeal are our firm's client Appellant, Mark Dos Santos, and Respondent, K.A. Diehl and Associates, Inc., represented by attorneys Alicia Thompson and Henrietta Golding of Burr & Forman, LLP, and presently, pursuant to the Court's order of September 20, 2021, the appeal is being held in abeyance through today, September 27, 2021, to allow the parties to explore the possibility of resolving the matter by agreement.

As was the case when I last wrote the Court about the status of this matter on September 10, 2021, the parties have not been able to reach agreement to resolve the matter. Still, after consultation with Respondent's counsel Ms. Thompson, I can represent to the Court that the parties would like to continue to explore the potential for settlement with the appeal held in abeyance for ten (10) additional days, if the Court will allow it. As alluded to in my letter of September 10, earlier this month I experienced symptoms associated with COVID-19 and testing revealed that I was indeed positive, as were two other members of my household. This resulted in a significant disruption to my normal work schedule, which, in turn, left me with a good bit of catching up to do upon my return to the office. Under the circumstances, and with Ms. Thompson's approval and consent, **the parties respectfully ask that the Court continue to hold the matter in abeyance for a period of ten (10) days beyond today, i.e., by my calculations, through Thursday, October 7, 2021.**

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Page 2 of 2

Out of an abundance of caution, in recognition of the language in the Court's September 20 order that "[t]he appellant must provide this Court with an update regarding the settlement by September 27, 2021 or this appeal will be dismissed," to be clear, my client does *not* want his appeal to be dismissed. The impetus for the appeal being held in abeyance was the parties' mutual interest in exploring the potential for settlement. Appellant certainly does not want this to end up compromising his appellate rights. If the Court is not inclined to continue to hold the appeal in abeyance for the additional time requested herein, Appellant most respectfully asks it to please restore the appeal to active status and decide the matter in due course.

Of course, if the Court has any questions or concerns or needs anything further to consider this request (to include a formal motion), please just let me know, and I will gladly provide the same.

With kindest regards, I am

Sincerely,

CLEMENT RIVERS, LLP

*s/Russell G. Hines*

Russell G. Hines

RGH/rg

Enclosure(s)

cc: Alicia E. Thompson, Esquire, Burr & Forman, LLP (email only: [athompson@burr.com](mailto:athompson@burr.com))  
Henrietta U. Golding, Esquire, Burr & Forman, LLP (email only: [hgolding@burr.com](mailto:hgolding@burr.com))