

The Supreme Court of South Carolina

Leann Marie Coghlan, Respondent,

v.

Phillip Anthony Coghlan, Petitioner.

Appellate Case No. 2013-000436

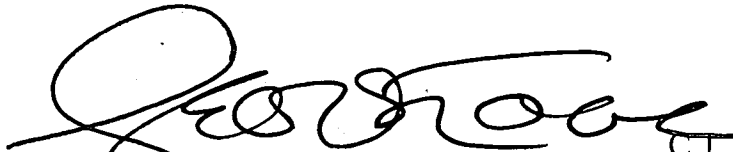
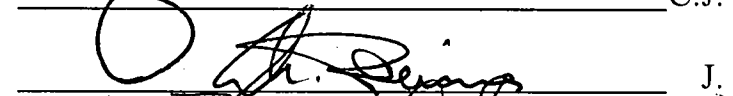
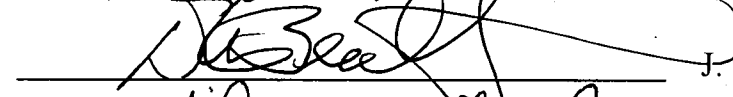

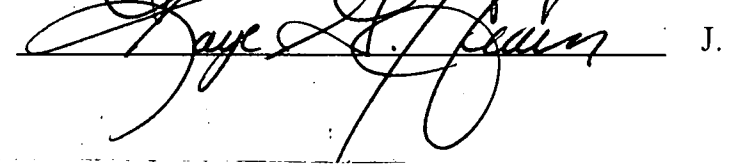
Lower Court Case No. 2007DR3202207

ORDER

Counsel for petitioner has sought and received two extensions of time to file a petition for a writ of certiorari pursuant to Rule 242, SCACR, in this matter. Counsel for petitioner has now informed the Court that the parties have reached an agreement *and a consent order has been entered confirming the agreement*, therefore, petitioner will not be filing a petition for a writ of certiorari.

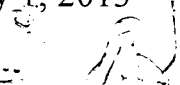
Pursuant to Rule 205, SCACR, upon the service of a notice of appeal, the appellate court has exclusive jurisdiction over the appeal, with the exception of matters not affected by the appeal. The appellate court retains jurisdiction until the remittitur is sent to the lower court. In the case at hand, the remittitur has not been sent to the family court because petitioner has sought extensions of time to file a petition for a writ of certiorari. *See* Rule 221, SCACR ("Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court . . . until the time to petition for a writ of certiorari under Rule 242(c) has expired."). Accordingly, the family court did not have jurisdiction to enter a consent order in this matter.

We therefore vacate the consent order issued by the family court. We hereby hold this matter in abeyance and remand the case to the family court for consideration of the parties' settlement agreement. Following the issuance of a proper order by the family court on remand, the parties may seek, pursuant to Rule 260(b), SCACR, to have the matter before this Court dismissed.


C.J.

J.

J.

J.

J.

Columbia, South Carolina

May 1, 2013

cc: 
John O. McDougall, Esquire
Peter George Currence, Esquire
J. Mark Taylor, Esquire
Katherine Carruth Goode, Esquire
George W. Branstiter, Esquire
The Honorable Jenny Kitchings
The Honorable Richard W. Chewning, III