

March 9, 2022

**RECEIVED**  
**Mar 09 2022**  
**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1229 Senate Street  
Columbia, South Carolina 29201

Re: Notice of settlement in principle  
*Mary and John Doe, Individually and as husband and wife, Respondents*  
*v. Massage Envy Franchising, LLC; Jaxh, LLC d/b/a Massage Envy Spa*  
*(Long Grove Dr.); and Michael E. Hughes, of whom Massage Envy*  
*Franchising, LLC is the Appellant.*  
Appellate Case No. 2021-001069  
GWB File No. 9461-3

Dear Ms. Kitchings:


I write, on behalf of Appellant Massage Envy Franchising, LLC and with the consent of Plaintiffs' counsel, to inform the Court that the parties in the above-referenced matter have reached a global settlement in principle (pending approval of the release language presently circulating). The circuit court has been notified of this development, and proceedings in the lower court between Plaintiffs and the remaining defendants have been withdrawn or stayed pending the parties' finalization and execution of documents memorializing their agreement.

In light of this development, we respectfully ask the Court to continue to hold the deadlines in this matter in abeyance beyond the current deadline of March 15, 2022, which the Court generously granted on January 27, 2022 so that the parties could attempt to resolve this matter globally. The parties have been working toward finalizing such documentation, and they believe they will be able to complete this process within the next month. Once the parties' agreement is documented and executed, Appellant will promptly submit to this Court either a motion to withdraw the above-referenced appellate proceeding pursuant to Rule 260(c), SCACR, or an agreed dismissal of the appellate proceeding pursuant to Rule 260(b), SCACR.

With kind regards, I am

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.



Lindsay A. Joyner

LAJ/lhs

cc: David L. Savage  
Andrew J. Savage, III  
Molly J. Craig  
Jean Marie Jennings  
John T. Lay, Jr.  
Robert Atkins

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
In the Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

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Case No. 2020-CP-10-05443

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Appellate Case No. 2021-001069

Mary and John Doe, Individually and as husband and wife, Respondents,

v.

Massage Envy Franchising, LLC; Jaxh, LLC d/b/a Massage Envy Spa (Long Grove Dr.); and  
Michael E. Hughes, Defendants.

Of whom Massage Envy Franchising, LLC is the Appellant.

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**PROOF OF SERVICE**

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This is to certify that the undersigned counsel has caused to be served this day (1) copy of the Letter Notifying the Court of Appeals of Settlement in Principle via electronic mail at the address stated in Supreme Court Order, 2021-08-25-02, Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, and as set forth below to the following:

David L. Savage, SC BAR NO. 10450  
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Charleston, SC 29401  
[dsavage@savagelawchs.com](mailto:dsavage@savagelawchs.com)

Andrew J. Savage, III, SC BAR NO. 4946  
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*Attorneys for Respondents*

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Jean Marie Jennings, SC BAR NO. 100651  
**HOOD LAW FIRM, LLC**  
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[Jeanmarie.jennings@hoodlaw.com](mailto:Jeanmarie.jennings@hoodlaw.com)  
*Attorneys for Jmbh, LLC, Jaxh LLC d/b/a Massage  
Envy Spa (Long Grove Dr.) and Michael Hughes*

A copy of the email serving counsel for Respondents is attached hereto.

Respectfully Submitted,

GALLIVAN, WHITE & BOYD, P.A.

/s Lindsay A. Joyner  
John T. Lay, SC BAR NO. 64526  
Lindsay A. Joyner, SC BAR NO. 77437  
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March 9, 2022

*Attorneys for Appellant Massage Envy  
Franchising, LLC*

**From:** [Lindsay Joyner](#)  
**To:** [Savage Law Firm Paralegal \(paralegal@savagelawchs.com\)](#); [David Savage](#); [Andrew J. Savage](#)  
**Cc:** [John T. Lay \(jlay@GWBlawfirm.com\)](#); [Atkins, Robert A \(ratkins@paulweiss.com\)](#); [Molly Craig](#); [jeanmarie.jennings@hoodlaw.com](#); [Jillian Hansen](#)  
**Bcc:** [9461\\_3 Mary and John Doe Individually and as husband and wife v Massage Envy Franchising LLC JAXH LLC D B A Massage Envy Spa Long Grove Dr and Michael E Hughes Email 9461\\_3](#)  
**Subject:** RE: Mary Doe , plaintiff, et al VS Massage Envy Franchising Llc , defendant, et al C/A No. 2020CP1005443 App Case No 2021-001069 [GWB-IMANMAIN.FID868967]  
**Date:** Wednesday, March 9, 2022 2:31:39 PM  
**Attachments:** [2022.03.09 Ltr re notice of settlement in principle.pdf](#)

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David and Andy,

As permitted by Supreme Court Order 2021-08-25-03, part (d) and as discussed previously, I am herewith serving via email the Letter Notifying the Court of Appeals of Settlement in Principle in the above-captioned matter. Shortly, I will be filing this document with the Court of Appeals as permitted by Order 2021-08-25-03, part (b)(2), and will attach this email to the proof of service of the same.

Should you have any issues opening the attachments, please let me know. Thank you.

With warmest regards,

Lindsay



**Lindsay Anne Joyner**  
Partner  
[ljoyner@GWBlawfirm.com](mailto:ljoyner@GWBlawfirm.com)

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