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Mar 21 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2020-CP-10-05443

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.

AGREED DISMISSAL OF APPEAL

Pursuant to Rule 260(b) of the South Carolina Appellate Court Rules, Appellant and Respondents jointly request the Court enter an order dismissing this appeal as the underlying litigation has resolved. The parties further agree each party shall bear its own costs and attorneys' fees incurred in connection with this appeal.

[Signature Page to Follow]

We so jointly move and consent:

/s Lindsay A. Joyner

John T. Lay, SC BAR NO. 64526

Lindsay A. Joyner, SC BAR NO. 77437

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/s David L. Savage

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Attorneys for Respondents

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and Michael E. Hughes, Defendants.

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PROOF OF SERVICE

This is to certify that the undersigned counsel has caused to be served this day (1) copy of Agreed Dismissal of Appeal 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:

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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

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*Attorneys for Appellant Massage Envy
Franchising, LLC*

Lindsay Joyner

From: Lindsay Joyner
Sent: Monday, March 21, 2022 2:49 PM
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
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]
Attachments: Agreed Dismissal of Appeal.pdf; 2022.03.21 Ltr to the COA with Agreed Dismissal of Appeal.pdf

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 Agreed Dismissal of Appeal, 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
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This message is from the law firm Gallivan, White & Boyd, PA and may be a confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.

March 21, 2022

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

RECEIVED
Mar 21 2022
SC Court of Appeals

Re: *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.*
Appellate Case No. 2021-001069
GWB File No. 9461-3

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2021-08-25-02, part (b)(2), and pursuant to Rules 203 and 260(b) of the South Carolina Appellate Court Rules, please find an Agreed Dismissal of Appeal in the above-captioned matter. As permitted by Order 2021-08-25-03, no other copies, whether paper or electronic, are being provided, unless requested by the Court.

By copy of this letter, we are serving counsel for Respondents via email as permitted by Order 2021-08-25-02, part (d)(1), and attached is a proof of service to that effect.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,

GALLIVAN, WHITE & BOYD, P.A.

Lindsay A. Joyner

LAJ/jh
Enclosures

cc: David L. Savage
Andrew J. Savage
Molly H. Craig
Jean Marie Jennings