

# GLEISSNER LAW

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April 25, 2013

The Honorable Jenny Abbott Kitchings  
Clerk for the South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Re: Herring v. Bagnell  
Civil Action Number: 2011-CP-40-1998  
Our File Number: 89-1

Dear Ms. Kitchings:

I represent the Appellant, Gilbert S. Bagnell and Bagnell and Eason, LLC, in the above referenced matter. Please allow this letter to serve as my status update to the Court of Appeals as it relates to the Order entered in this matter on October 23, 2012.

A hearing was held before The Honorable DeAndrea Gist Benjamin on January 17, 2013, to determine the timeliness of Appellants' Rule 59(e) motions. On April 23, 2013, Judge Benjamin entered an Order concluding that Appellants' Motion to Reconsider was timely. A copy of the April 23, 2013 Order is attached.

Therefore, it is my understanding that the Appeal filed in this matter on August 16, 2012, can proceed in the Court of Appeal. I have already received the hearing transcript in this matter. I believe that Appellants' Initial Brief and Designation of Matter is due to be filed and served on May 23, 2013 (30 days from the date of the Circuit Court's Order). If my calculation is not correct, please let me know as soon as possible so I may comply with the proper deadline.

If you have any questions, please feel free to contact me. Thank you for your consideration and cooperation.

Sincerely,



Richard R. Gleissner

RRG/amt  
enclosure

cc: Douglas Truslow, Esquire  
Richland County Clerk of Court  
Mr. Gilbert Bagnell

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