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May 9, 2013

Via Facsimile 734-1499

The Supreme Court of South Carolina
 Attn: Daniel E. Shearhouse, Clerk of Court
 Post Office Box 11330
 Columbia, SC 29211

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MAY 09 2013

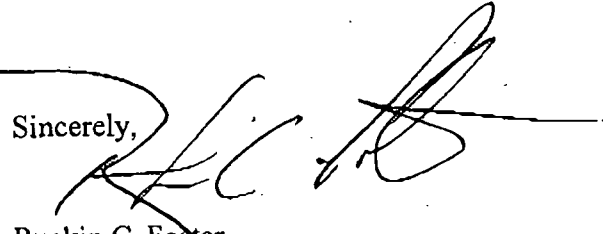
Re: Hoftiezer v. Hicklin, et al.
 Appellate Case No: 2011-203086

S.C. SUPREME COURT

Dear Mr. Shearhouse:

Please be advised that the above-referenced matter is scheduled to be heard on Wednesday, May 15, 2013 at 9:30 a.m.. As reflected in the attached correspondence, this matter has been settled. Therefore, we would respectfully request this case be dismissed from the Supreme Court and remanded to Spartanburg County Court of Common Pleas so that the Circuit Court will be vested with jurisdiction to hear and approve the wrongful death and survival settlement. If you would kindly contact our office to confirm that this matter will be remanded or advise if there is anything else that needs to be done for this matter to be remanded to Circuit Court, it would be greatly appreciated.

With kindest regards, I remain

Sincerely,

 Ruskin C. Foster

RCF/ldt
 Attachment
 cc: Perry Boulier, Esquire



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Neville Holcombe, 1802-1883
Horace L. Bomar, 1912-1994

May 9, 2013

Via E-Mail

Ruskin C. Foster, Esq.
MCGOWAN, HOOD & FELDER, LLC
1517 Hampton Street
Columbia, South Carolina 29201

RE: Hoftiezer v. Hicklin, et al
Appellate Case No.: 2011-203086
C.A. Number: 09-CP-42-5373
Our File Number: 10756

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MAY 09 2013

Dear Russ:

S.C. SUPREME COURT

This will confirm our agreement to settle this case in consideration for the payment by my client of \$165,000. Payment of this sum is obviously contingent on court approval of the settlement as required by the wrongful death and survival statutes. We will also expect a full release as outlined in the terms of the example release that we sent yesterday.

I understand that you will contact the Supreme Court to advise of the settlement and to determine the logistics for having the appeal dismissed and the case remanded so that the settlement can be approved in the lower court. I look forward to hearing back from you once you have spoken to someone at the Court.

Please call me if there is anything else we need to discuss at this time.

With kindest regards, I am

Very truly yours,


PERRY D. BOULIER

PDB/jb
Enclosure
c: Jeffrey R. Troyer, SCLA (via email)