

# The Supreme Court of South Carolina

Lavona Hill, Appellee,

v.

Bert Bell/Pete Rozelle NFL Player Retirement Plan;  
Retirement Board of the Bert Bell NFL Player  
Retirement Plan, Defendants,

v.

Barbara H. Sullivan, Appellant.

Appellate Case No. 2012-212193

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## ORDER

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This matter is before this Court on a certified question from the United States Court of Appeals for the Third Circuit. This Court determined that this matter would be decided without oral argument based on the briefs previously submitted to the federal court, and the case was placed on the May 2013 Roster as a submitted case to be decided without oral argument.

In a letter to the clerk of the federal court, counsel for the Appellee has indicated a desire to seek *pro hac vice* admission under Rule 404 of the South Carolina Appellate Court Rules (SCACR). This Court has construed this as a request to be allowed to seek admission under Rule 404.


Since June of 2012 counsel for both parties have been repeatedly notified of the necessity to seek *pro hac vice* admission, and the current request to do so was not made until March 19, 2013. The request by Appellee's counsel is denied.

This Court will, however, allow counsel for both parties to make an appearance in this matter without complying with Rule 404 for the limited purposes of submitting a brief supplementing the brief filed with the federal court and making any petition

for rehearing after this Court issues an opinion in this matter. The Clerk of this Court shall list the counsel for Appellant and Appellee before the federal court as the counsel for those parties before this Court for the limited purposes stated above.

If a party desires to file a supplemental brief, it shall be served and filed within twenty (20) days of the date of this order. If a supplemental brief is served and filed by either party, the opposing counsel may serve and file a brief in response within twenty (20) days thereafter. If a brief in response is filed, the opposing party may serve and file a reply brief within ten (10) days thereafter. The parties are warned that no extensions of these times will be granted except for the most extraordinary of circumstances. In addition to serving any brief on opposing counsel in the manner specified by Rule 262, SCACR, the parties shall provide a copy to opposing counsel by electronic means such as e-mail or fax.

This Court will delay considering this matter until any supplemental briefing is complete. Thereafter, it will proceed to decide this case without oral argument.

  
C.J.  
FOR THE COURT

Columbia, South Carolina  
May 15, 2013

cc: David B. Sherman, Esquire  
Lawrence Solomon, Esquire  
Robert T. Vance, Esquire  
The Honorable Marjorie O. Rendell  
The Honorable Marcia M. Waldron