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JUL 18 2022
SC Court of Appeals

MOTION TO STAY PENDING APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Cheryl Graham, Circuit Court Judge

Case No. 2022CP1800711

Andrew T. Shephard, as Personal
Representative of the Estate of
Sharla Sheppard,

Respondent,

v.

Open Gym Training Center LLC.
Anthony Peters, Owner,

Appellant.

MOTION TO STAY PENDING APPEAL

Comes now, Open Gym Training Center LLC., Defendant in the above captioned-case, and respectfully moves that this Court grant a Stay of this Courts Order dated July 18, 2022. As explained in more detail in the Memorandum of Authorities, a Stay is appropriate because the Defendants appeal will present serious legal questions and absent a stay the Defendant will suffer irreparable injury.

In the alternative the Court denies this Motion, Open Gym Training Center respectfully requests that the Date of Compliance with the Courts July 12, 2022 order, be extended to allow the Defendants case to be presented to the Court of Appeals and still have time to comply with the July 12th, 2022 Order, if necessary.

Open Gym Training Center therefore respectfully requests an Extension of the July 15th, 2022 Deadline to a date two weeks past the later of (July 18th, 2022) the date of any order of this Court denying Defendants Motion for a Stay of this Courts (July, 12th, 2022) Order, or the date of any Order of the Court of Appeals denying any for a Stay of this Courts July, 15th, 2022 Writ of Ejectment.

Respectfully Submitted,

Defendant,



Open Gym Training Center LLC.

July 18, 2022

s/ Roman V. Hammes
Charpia & Hammes, Attorneys at Law
215 W. 2nd South Street
Summerville, SC 29483
(843) 324-1727 (mobile)
(843) 261-7026 (office)
Attorney for Appellant

Other Counsel of Record:
Andrew T. Shephard
204 Brighton Blvd., Suite B
Summerville, South Carolina 29486
Attorney for Respondent
(843) 900-3575

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Memorandum of Authorities

JUL 18 2022

SC Court of Appeals

The Defendant was awarded a Jury Trial in the Court of Common Pleas in Dorchester County for an Eviction Notice stating "Unapproved alterations" in September 9th, 2021. The Defendant counter claimed the Eviction and Sued the Plaintiff for Damages. Dating back to September 9th, 2021, the continuous Damages and torment from the Plaintiff have resulted in irreparable damage to the Defendant and the Defendants clients, not limited to, but including multiple minors.

To date, and result of the most recent Court Order, the Plaintiffs multiple attempts to Evict the Defendant while Colluding and Evading with Open Gym Training Center(s) ongoing attempts to follow the Bond to Stay Order issued on May, 12th 2022, have resulted in irreparable damages. The defendants right to thrive as a business that serves children and families in the community has reached an unprecedented point while being the tenant of the Plaintiff.

Respectfully, Open Gym Training Center believes that all of the Judgements and Actions involving the Plaintiff dating back to September 9th, 2021 are solely based in attempt of bankrupting the Defendant and driving them to drop the Original counter-claim for Damages that have followed the multiple court orders and filings dating back to September 9th, 2021.

July, 18 2022

PROOF OF SERVICE OF A MOTION TO STAY PENDING APPEAL

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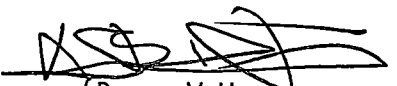
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Anthony Peters, Owner,

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PROOF OF SERVICE

I certify that I have served the Motion to Stay Pending Appeal on Sharla Shephard by depositing a copy of it in the United States Mail, postage prepaid, on July, 18 2022, addressed to her attorney of record, [Andrew T. Shephard, 204 Brighton Blvd., Suite B, Summerville, South Carolina 29486].

July 18, 2022



s/ Roman V. Hammes

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