

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DILLON COUNTY
Court of Common Pleas
Paul M. Burch, Circuit Court Judge

Appellate Case No. 2013-00051

Omni Insurance Company,

Appellant,

v.

Arin Kinsey,

Respondent.

MOTION TO REINSTATE


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APR 22 2013
SC Court of Appeals

Appellant submits this motion based on the following facts and circumstances.

1. Counsel for Appellant filed the notice of appeal with the Court on March 7, 2012.
2. Counsel for Appellant submitted a written request to the Hattie O. Gordon the court reporter that transcribed the lower court proceedings by depositing the letter with the United States Postal Service, first class postage pre-paid, on March 12, 2013 (See attached Exhibit A – Letter to Hattie O. Gordon dated March 12, 2013).
3. Counsel for Appellant also provided a carbon copy of the March 12, 2013 letter to the Honorable Jenny Abbott Kitchens, Desiree Allen, and counsel of record, by personally depositing the carbon copied letters with the United States Postal Service, with first class postage pre-paid, to the proper addresses on March 12, 2013 as indicated on Exhibit A.
4. None of the letters was returned to the Counsel for Appellant as undeliverable or undelivered.
5. For reasons unknown to Counsel for Appellant, the Court apparently did not receive the carbon copied letter dated March 12, 2013.
6. Counsel for Appellant respectfully moves that the Court reinstate the appeal because the transcript of the proceedings was timely requested pursuant to the

Rule 207, SCACR and the carbon copied letter has apparently simply been misdirected or misplaced.

April 22, 2013

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left.

Douglas E. Leadbitter, SC Bar# 68430

Douglas E. Leadbitter, LLC

Post Office Box 945

Blythewood, South Carolina 29016

803.728.3272 Telephone

803.746.0900 Facsimile

Attorney for Appellant Omni Insurance Company

EXHIBIT A

Douglas E. Leadbitter, LLC

Post Office Box 945
Blythewood, South Carolina 29016
telephone: 803.728.3272
facsimile: 803.746.0900
email: del@leadbitterlaw.com

Douglas E. Leadbitter
Attorney At Law

March 12, 2013

Hattie O. Gordon
Post Office Box 597
Wallace, SC 29596-0597

RE: Omni Insurance Company v. Arin Kinsey
Civil Action No. 2012-CP-17-0003
Appeal Transcript

Dear Ms. Gordon,

On November 5, 2012, at the non-jury term of Court for Dillon County, the above case was tried before the Honorable Paul M. Burch, Circuit Court Judge. Court records indicate that you were the court reporter for this case on that date.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record. I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'Douglas E. Leadbitter', written over a horizontal line.

Douglas E. Leadbitter
Attorney for Appellant

DEL

cc: Desiree Allen, Court Administration
Jenny Abbott Kitchings Clerk, Court of Appeals
Daniel H. Shine

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Omni Insurance Company,

Appellant,

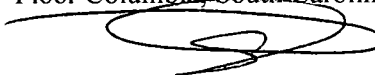
v.

Arin Kinsey,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate on Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to the attorneys of record Daniel H. Shine, Daniel H. Shine Law Offices, 211 West Hampton Street, Dillon, South Carolina 29536 and Brad D. Hewitt, D. Michael Kelly Law Group, LLC, 500 Taylor Street, 4th Floor Columbia, South Carolina 29201 on April 22, 2013.



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Attorney for Appellant Omni Insurance Company

Daniel H. Shine
Daniel H. Shine Law Offices
211 West Hampton Street
Dillon, South Carolina 29536

Brad D. Hewitt
D. Michael Kelly law Group LLC
500 Taylor Street, 4th Floor
Columbia, South Carolina 29201

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68114
Douglas E. Leadbitter
Attorney At Law

April 22, 2013

VIA HAND DELIVERY
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

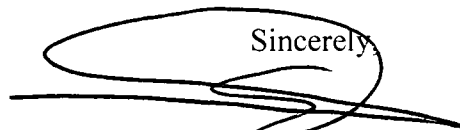
Re: Omni Insurance Company v. Arin Kinsey
Appellate Case 2013-00051

Dear Ms. Kitchings:

Enclosed for filing is the original and a copy of the Motion to Reinstate and a \$25.00 motion filing fee check in the above-referenced appeal that was dismissed after it was thought that I did not timely order the transcript. This is the second "filing" issue that I have had on this matter and have had to address. I wonder if the documents I am submitting to the Court are getting mis-filed?

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

Sincerely,



Douglas E. Leadbitter

DEL

cc: Dan Shine via first class mail (w/enclosures)
Brad D. Hewitt via first class mail (w/enclosures)