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Feb 14 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS**

The Honorable Diane Goldstein, Circuit Court Judge

Appellate Case No. 2023-000026

Mary Ann Ridenour,Respondent,

v.


Brock Owen McGrew and Anastasia McGrew..... Appellants.

**MOTION FOR ORDER STAYING APPEAL AND/OR CONFIRMING MATTERS NOT
STAYED PENDING APPEAL**

The underlying action involves a dog bite and damages related thereto. Appellant has filed a Motion to Set Aside Default as permitted by Rule 55(c), SCRCP, which remains pending before the Charleston County Court of Common Pleas. **Exhibit A.** Pursuant to Rule 203(b)(1), SCACR, Appellant is informed the time for service of the Notice of Appeal was not stayed by the filing of his motion to set aside default.

However, while the appeal is pending, the Court of Common Pleas has been unwilling to schedule a hearing on Appellant’s Motion to Set Aside Default based on Rule 241(a), SCRCP, which divests the trial court of jurisdiction.

Given the deference given to this Honorable Court’s jurisdiction by the Court of Common Pleas, Appellant respectfully requests an Order staying this appeal pending the Motion to Set Aside Default and/or confirming the Court of Common Pleas has jurisdiction to scheduling a hearing on, and rule upon the merits of, the pending Motion to set Aside Default.



Brock McGrew, *pro se* Appellant
1640 Wading Heron Road
Charleston, South Carolina, 29401
(843) 864-9502

February, 3 2023
Charleston, South Carolina

Counsel of Record:

Madeline Nelson (Attorney for Plaintiff Mary Ann Ridenour)
41 Broad Street
Charleston, South Carolina, 29401

STATE OF SOUTH CAROLINA)
COUNTY OF Charleston)

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO.: 2022-CP-10-02642

Mary Ann Rideaux)
Plaintiff,)

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

vs.

Anastasia McGrew + Brock McGrew)
Defendant.)

Plaintiff's Attorney: <u>Madeline Nelson</u> , Bar No. <u>105572</u> Address: <u>41 Broad St. Chas, SC 29401</u> Phone: <u>843-400-0550</u> Fax: E-mail: <u>mnelson@brington.com</u> Other:	Defendant's Attorney: <u>Self-Representation in search of Attorney</u> , Bar No. _____ Address: <u>1640 Wading Heron Rd Chas SC 29412</u> Phone: <u>843-864-9502</u> Fax: E-mail: <u>brockmcgrew77@gmail.com</u> Other:
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MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Mislead by Plaintiff's counsel
 Estimated Time Needed: 30 days Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.

[Signature] Signature of Attorney for Plaintiff / Defendant Date submitted: 8/22/22, 20__

SECTION III: Motion Fee

PAID - AMOUNT: \$ 25.00
 EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRCF)
- Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____

Date: _____, 20__

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____, 20__

MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

To Honorable Judge,

We would like to request a motion to set aside default. The man sent to us by Bringardner law firm to serve us papers told us that all these papers are that he was serving were papers saying that we have an active lawsuit. He told us it is not a court date and we don't need to do anything that we just needed to know we are served. I also messaged David Aylor explaining the matter and he said to email him my insurance policy and he would contact Mark Bringardner and then get back to me. I was waiting to hear back from David Aylor and also thought that we would get a court date in the mail. Last night 8/21/22 I opened a letter saying we were in default and have a hearing on 8/23/22. I was completely shocked by this letter. I believe the man sent by Bringardner to serve papers intentionally misled us to believe there is nothing we need to do so they could win the case easily by default. All we are asking is for a chance in the matter. I believe that the mis-leading info from Bringardner should not be and it would be fair to give us a grant to our motion.

Thank you for considering,

brockmegrew77@gmail.com
843-864-9502



Brock McGrew 1640 Wading Heron Rd
Chassc 29412

Case # 2022-CP-10-02642

FILED
CLERK OF COURT
AUG 22 PM 3:24

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v.


Brock Owen McGrew and Anastasia McGrew..... Appellants.

PROOF OF SERVICE

I certify that I have served the *Motion for Staying Appeal and/or Confirming Matters Not Stayed Pending Appeal* on Respondent by email and by depositing a copy of the same in the United States Mail, postage prepaid on February 3, 2023, addressed to the foregoing:

Madeline Nelson, Attorney for Mary Ann Ridenour
41 Broad Street
Charleston, South Carolina, 29401

mneslon@bringardner.com


Brock McGrew, *pro se* Appellant
1640 Wading Heron Road
Charleston, South Carolina, 29401
(843) 864-9502

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Charleston, South Carolina

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SC Court of Appeals

Brock Owen McGrew
1640 Wading Heron Road
Charleston, South Carolina, 29401

February 3, 2023

VIA US MAIL AND EMAIL

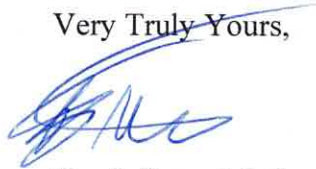
The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals Clerk of Court
P.O. Box 116529
Columbia, South Carolina 29211

Re: *Ridenour vs. McGrew* // 2023-000026

Dear Ms. Kitchings:

Enclosed please find a *Motion for Staying Appeal and/or Confirming Matters Not Stayed Pending Appeal* in the above referenced case, as well as a \$50.00 check to satisfy the filing fee for this request.

Very Truly Yours,



Brock Owen McGrew
Pro se Appellant

Enc: As Stated

CC: All counsel of record