

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Case No. 2013-001068

Bruce R. Hoffman, Appellant
v.

Seneca Specialty Insurance Company, Aydlette Services of
Lowcountry, Inc., Capstone ISG, Inc. Defendants

CRC Insurance Services, Inc. d/b/a Southern Cross
Underwriters of Sumter Respondent

**RESPONDENT'S RETURN TO APPELLANT'S PETITION TO
RESTORE/REINSTATE DISMISSED APPEAL**

CLAWSON AND STAUBES, LLC
Christopher W. Nickels
Christina R. Fagnoli
126 Seven Farms, Ste. 200
Charleston, South Carolina 29492
(843) 577-2026 (o)
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Respondent respectfully requests this Court deny Appellant's Petition to Restore/Reinstate Dismissed Appeal. The appeal was dismissed for failure to provide the required information concerning the transcript of the hearing and/or failing to serve the Appellant's Initial Brief in the time provided by the South Carolina Rules of Appellate Procedure. Respondent requests that the appeal remain dismissed on two grounds.

First, Appellant failed to "contemporaneously furnish" his request for the transcript to the Court of Appeals within the time required by Rule 207. Although he has apparently now provided a copy of his written request for the transcript to the Court, this was not timely under the Rules and Appellant's Petition should therefore be denied.

Second, to our knowledge, Appellant has failed to issue any payment to the court reporter for the transcript at issue. Per an e-mail from the court reporter on June 25, 2013, Appellant had failed to provide any payment to the court reporter as of that date. (Ex. A, E-mail from Cheri Young). Thus, Appellant's request for the transcript on May 16, 2013 does not satisfy Rule 207. Rule 207 requires that "satisfactory arrangements (including agreement regarding payment for the transcript)" be made within ten (10) days of the Notice of Appeal. Such time expired on May 16, 2013 and, as of that date, no arrangements for payment had been made with the court reporter and she had not been paid. In fact, as of June 25, 2013, she had still not received payment, despite having requested it from Appellant.

For the above reasons, Respondent respectfully requests this Court deny Appellant's Petition to Restore/Reinstate Dismissed Appeal.

Christy Fagnoli - Fwd: Hoffman v. CRC, et al -- C&S #2012-0402 cwn

From: Nancy Horton
To: Christy Fagnoli
Date: 6/27/2013 3:32 PM
Subject: Fwd: Hoffman v. CRC, et al -- C&S #2012-0402 cwn
Attachments: ATT00001.png

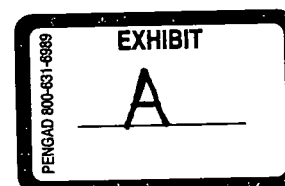
>>>

From: Nancy Horton
To: Chris Nickels; Christy Fagnoli
Date: 6/25/2013 4:59 PM
Subject: Hoffman v. CRC, et al -- C&S #2012-0402 cwn
FYI -- see below from court reporter re: Hoffman's request for transcript.

>>>

From: "Young, Cheri L." <CYoung@sccourts.org>
To: Nancy Horton <nhorton@CLAWSONANDSTAUBES.COM>
Date: 6/25/2013 4:57 PM
Subject: RE: Hoffman v. CRC, et al -- C&S #2012-0402 cwn

recv'd req to prod. sent email 051813 requiring pmt bef insertion into production queue. as of today, no pmt. ...Cher Cheri L. Young, RPR SC Circuit Court Reporter P O Box 5232 Aiken, SC 29804-5232 _____ From: Nancy Horton [nhorton@CLAWSONANDSTAUBES.COM]
Sent: Tuesday, June 25, 2013 4:21 PM To: Young, Cheri L. Subject: Hoffman v. CRC, et al -- C&S #2012-0402 cwn
Good Afternoon, Ms. Young! I see the attached correspondence sent your way by Attorney Hoffman on May 16, 2013, relative to the above matter. Have you provided Mr. Hoffman a copy of this transcript? If so, can you please advise when that was accomplished? Thank you!
[[cid:PTGUSCZOEZJL.IMAGE_94.png](#)] Nancy Horton Paralegal to Christopher W. Nickels 126 Seven Farms Drive, Suite 200 | Charleston SC | 29492-8144 Phone: 843 577 2026 Ext. 229 | Fax: 843 722 2867 Website: www.clawsonandstaubes.com | Email: nhorton@clawsonandstaubes.com | Location: Map
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PROOF OF SERVICE

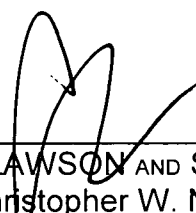
The undersigned hereby certifies that a true copy of Respondent's Return to Appellant's Petition to Restore/Reinstate Dismissed Appeal has been served upon opposing counsel by mailing a copy, properly addressed, with sufficient postage affixed thereto this 28th day of June, 2013:

Bruce R. Hoffman, Esquire
Law Office of Bruce R. Hoffman, LLC
574 Sea Island Parkway
Saint Helena Island, SC 29220

Attorneys for Appellant Bruce R. Hoffman

(SIGNATURE PAGE TO FOLLOW)

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CLAWSON AND STAUBES LLC

Christopher W. Nickels
Licensed in SC and NM
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June 28, 2013

File No.: 2012-0402 cwn

Via Regular US Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
PO Box 11629
Columbia, SC 29211

Re: **Bruce R. Hoffman v. Seneca Specialty Insurance Company, CRC Insurance Services, Inc. d/b/a Southern Cross Underwriters of Sumter, Aydlette Services of Lowcountry, Inc., Capstone ISG, Inc.**
Case No: 2013-001068

Dear Ms. Abbott Kitchings:

Enclosed you'll find the original and one copy of the Respondent's Return to Appellant's Petition to Restore/Reinstate Dismissed Appeal relative to the above matter. Please file the original with the Court's documents, and return the clocked copy to this office in the enclosed self-addressed, stamped envelope at your first opportunity.

Thank you for your kind attention to this matter. Should you have any questions or concerns with regard to the above or the enclosed, please don't hesitate to contact me.

With kindest regards, I remain

Very truly yours,

CLAWSON AND STAUBES, LLC

/s/ Christopher W. Nickels

Christopher W. Nickels

CWN/nlh
Enclosures

cc: Bruce R. Hoffman, Esquire (w/enclosures via regular US Mail)

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