

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Aug 04 2023

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2022-001727
Civil Action Case No. 2014-CP-40-07037

Century Capital Group, LLC, **Appellant**,

v.

Midtown Development Group, LLC; Richland Joint Venture Group, LLC; Windsor
Richland Mall, LP; and BRC Richland, LLC, Defendants,

Of whom Windsor Richland Mall, LP is the **Respondent**.

APPELLANT'S RETURN TO RESPONDENT'S MOTION TO DISMISS APPEAL

D. Ryan McCabe, Jr., SC Bar No. 16977
MCCABE, TROTTER & BEVERLY, P.C.
4500 Fort Jackson Blvd., Suite 250
Columbia, SC 29209
Phone: (803) 724-5000 Fax: (803) 724-5001
Email: ryan.mccabe@mccabetrotter.com
Attorney for Appellant

Other counsel of record:

Ruth A. Levy
1230 Main Street, Suite 330
Columbia, South Carolina 29201
(803) 567-4613
Attorney for Respondent

John G. Tamasitis
1230 Main Street, Suite 330
Columbia, South Carolina 29201
(803) 567-4613
Attorney for Respondent

Pursuant to Rule 240(e), SCACR, Appellant (“Century”) respectfully submits this Return to Respondent’s (“Windsor”) Motion to Dismiss Appeal (“Motion”) to address various misrepresentations made by Windsor in its Motion. Respondent’s Motion mischaracterizes actions taken by Century’s counsel in an effort to advance Windsor’s narrative that Century is purposefully delaying the disposition of this matter. Century denies any unreasonable delays have occurred and further, the undersigned counsel certifies to this honorable Court that any alleged delays have not been intentional.

FACTS

Windsor has not hesitated to remind the courts and Century’s counsel that the undersigned missed a hearing in the trial court, despite the undersigned’s repeated and humble admission of same due to an internal, clerical oversight with calendaring the hearing and advising the court of the undersigned’s legislative protection.¹ Windsor now goes further to claim Century received “multiple notices of the hearing date,” including notice from “counsel for Windsor.” Resp. Motion, p. 1. However, Windsor’s Exhibit A it cites as support for this assertion, does not support the claim. Likely, because Windsor never provided any notice of the hearing to Century (nor was it required to do so). In fact, Windsor offers no documentation to support its false assertion that Century received “multiple” notices of the hearing. Rather, the documentation shows *one* electronic notice sent through the court’s electronic notice system to all attorneys of record, on June 23, 2023. Century has conceded the court’s electronic notice of hearing (email) was delivered to Century. Windsor conveniently omitted Century’s admission in the same email thread it

¹ The undersigned had legislative protection per Supreme Court order at the time of the hearing and a scheduled out-of-state vacation. Due to an internal error, notification that the undersigned would rely on his protection was not sent to opposing counsel and the clerk’s office nor was the hearing added to the undersigned’s calendar.

attached as Exhibit A to the Motion, in an effort to paint Century as dishonest. *See* Century's Ex. A, Emails dated July 19, 2022. Windsor also conveniently omitted any mention of the briefing Judge Allison Lee permitted and considered after the hearing and motions following Judge Lee's order, before Century "[n]evertheless [...] appealed Judge Lee's Order [...]" Resp. Motion, p. 2. *See* Century's Ex. B, Emails with Judge Lee.

In furtherance of its delay narrative, Windsor implies Century did not order the transcript the same day it filed its Notice of Appeal. Resp. Motion, p. 2. Windsor was copied on the email Century sent to court administration with its request for the transcript, on the same day Century filed its Notice of Appeal. *See* Ex. C, Emails to court administration, December 8, 2022. If delay was Century's strategy, it would have waited the ten (10) days allotted to it by Rule 207(a)(1), SCACR, to request the transcript.

Next, Windsor accuses Century of failing to follow up on the status of the transcript. Resp. Motion, p. 2. Rule 207(a)(2) provides the court reporter sixty (60) days to produce the transcript. This would have given the court reporter until February 7, 2023 to produce the transcript. The court reporter failed to produce the transcript by that date. Rule 207(a)(3) requires the court reporter, not Century, request an extension of time if they cannot produce the transcript in period prescribed. Rule 207(a)(5) required Century to notify the court reporter, court administration, and this Court if it had not received the transcript, nor notification of an extension *within ten (10) days after the* allotted time to produce the transcript (i.e. at day 70). Windsor followed up with Century on day 67, within the seventy (70) days before Century was required to "follow up" or notify anyone, pursuant to the appellate rules. Nonetheless, Windsor insists it was "only after counsel for Windsor had alerted counsel for Century of its lack of a transcript, was the transcript delivered." Resp. Motion p. 2. Again, Windsor conveniently omits the following additional attempts by

Century to follow up on the transcript:

2/14/23	Century followed up with court administration on status of transcript; Windsor was copied.
2/20/23	Century followed up with court administration on status of transcript; Windsor was copied.
2/28/23	Century notified the Court and Windsor of update on transcript.
3/10/23	Century followed up on status of transcript. Windsor was copied.
3/29/23	Century updated Windsor that it still had not received the transcript.
4/3/23	Century received the transcript and immediately notified the court and Windsor.

See Ex. D, Various Emails re Transcript.

The undersigned concedes he left out an “r” from “.org” in this Court’s email address used for filings. *See Ex. E, Filing Emails to Court of Appeals.* It was the first time the undersigned has personally electronically filed a pleading with this court, and it was the evening before the July 4 holiday. Although the “undeliverable” email was delivered to Century the night of e-filing, it arrived two and a half (2.5) hours after Century emailed the brief. *See Ex F, Undeliverable Email,* time stamped 10:11p.m. As soon as Century saw the undeliverable email, it notified this Court and counsel, on Saturday, July 8 at 3:27p.m. *See Ex E.* If delay was Century’s strategy, it certainly would not spend a weekend time to correct its e-filing oversight. In this new age of electronic filing, it is hard to imagine those that did not come up in the age of technology have not made similar mistakes. However, Century submits Windsor was not prejudiced by the oversight in light of the fact that it did in fact receive Century’s Initial Brief by the deadline to serve Windsor. *Id.*

Finally, it is worth noting, while Windsor asserts Century has engaged in intentional delay tactics, it was Windsor that waited *eleven (11) months after* the remittitur was issued for the appeal in the underlying case² before filing its motion for attorneys fees for the underlying case.

² *See Remittitur* filed January 29, 2020, App. Case No. 2018-001874.

Windsor's motion for attorneys fees is the basis for this appeal.

ARGUMENT

As Windsor cites, Rule 260, SCACR, requires good cause to reinstate an appeal dismissed by this Court. Century submits that in light of its technological oversight in e-filing its initial brief, its prompt correction of same, and lack of prejudice to Windsor (since it timely received Century's Initial Brief), this Court should find good cause to deny Windsor's Motion. This Court can give grace to those transitioning to South Carolina's new electronic practices, where such grace does not prejudice Windsor.

CONCLUSION

For all the foregoing reasons, Century respectfully requests this Court deny Windsor's Motion to Dismiss Appeal and proceed with a consideration of the appeal on the merits.

Respectfully submitted,

August 4, 2023
Columbia, SC

s/ D. Ryan McCabe, Jr. _____

D. Ryan McCabe, Jr., SC Bar No. 16977
MCCABE, TROTTER & BEVERLY, P.C.
4500 Fort Jackson Blvd., Suite 250
Columbia, SC 29209
Phone: (803) 724-5000 Fax: (803) 724-5001
Email: ryan.mccabe@mccabetrotter.com
Attorney for Appellant

From: Ryan McCabe
To: [Levy, Ruth](mailto:Levy_Ruth)
Cc: [Martin-Rothrock, Kimberly](mailto:Martin-Rothrock_Kimberly); ALEELC@sccourts.org; [Tamasitis, John](mailto:Tamasitis_John); [Tyer, Sara](mailto:Tyer_Sara); Trippett.boineau@mgclaw.com; robert.thomas@rt-law.com; [Valerie Giovanoli](mailto:Valerie.Giovanoli); [Deanne Peele](mailto:Deanne.Peele); [Jan Thomson](mailto:Jan.Thomson)
Subject: Re: Century Capital Group LLC vs Midtown Development Group LLC , defendant, et al. / Case Number: 2014CP400737
Date: Tuesday, July 19, 2022 3:49:20 PM
Attachments: [image001.png](#)
[image001.png](#)

Yes. Office just found and we made a calendaring error. I did receive your brief. I'll ask respectfully ask Court to rehear or at a minimum to except my brief as I believe we have a meritorious position. Thank you, Ryan

Sent from my iPhone

On Jul 19, 2022, at 3:36 PM, Levy, Ruth <rlevy@williamsmullen.com> wrote:

Ryan – As further proof of notice:

McCabe, Donald Ryan Jr.	7/19/2022 MOTION Roster/Notice of Motions Roster Publication	Action		06/29/2022-14:52		
Boineau, Robert Trippett III	7/19/2022 MOTION Roster/Notice of Motions Roster Publication	Action		06/29/2022-14:52		
McAlister, Allen Keith Jr.	7/19/2022 MOTION Roster/Notice of Motions Roster Publication	Action		06/29/2022-14:52		
Levy, Ruth Ann	7/19/2022 MOTION Roster/Notice of Motions Roster Publication	Action		06/29/2022-14:52		
Ravenel, D. Cravens	7/19/2022 MOTION Roster/Notice of Motions Roster Publication	Action		06/29/2022-14:52		

Thank you,

Ruth

From: Levy, Ruth
Sent: Tuesday, July 19, 2022 3:35 PM
To: Ryan McCabe <Ryan.McCabe@mccabetrotter.com>; [Martin-Rothrock, Kimberly](mailto:Martin-Rothrock_Kimberly) <kmartin-rothrock@williamsmullen.com>
Cc: ALEELC@sccourts.org; [Tamasitis, John](mailto:Tamasitis_John) <jtamasitis@williamsmullen.com>; [Tyer, Sara](mailto:Tyer_Sara) <styer@williamsmullen.com>; Trippett.boineau@mgclaw.com; robert.thomas@rt-law.com; [Valerie Giovanoli@mccabetrotter.com](mailto:Valerie.Giovanoli@mccabetrotter.com); [Deanne Peele](mailto:Deanne.Peele) <Deanne.Peele@mccabetrotter.com>
Subject: RE: Century Capital Group LLC vs Midtown Development Group LLC , defendant, et al. / Case Number: 2014CP400737

Ryan,

We received a notice from the Court on June 29, calendaring it for a hearing. You were on the email distribution for the Court, so also would have received the same notice.

Just as you received the Order we submitted, you also received the Affidavit of Attorney's Fees and our Memorandum of Law which we filed seven days ago leading up to the hearing (see attached).

Thank you,

Ruth

Ruth A. Levy | Attorney | Williams Mullen
 1230 Main Street, Suite 330 | P.O. Box 8116 (29202) | Columbia, SC 29201
 T 919.981.4029 RAL, 803.567.4613 COL | C 919.818.2439 | F 919.981.4300 | rlevy@williamsmullen.com
www.williamsmullen.com

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From: Ryan McCabe <Ryan.McCabe@mccabetrotter.com>
Sent: Tuesday, July 19, 2022 3:15 PM
To: [Martin-Rothrock, Kimberly](mailto:Martin-Rothrock_Kimberly) <kmartin-rothrock@williamsmullen.com>
Cc: ALEELC@sccourts.org; [Levy, Ruth](mailto:Levy_Ruth) <rlevy@williamsmullen.com>; [Tamasitis, John](mailto:Tamasitis_John) <jtamasitis@williamsmullen.com>; [Tyer, Sara](mailto:Tyer_Sara) <styer@williamsmullen.com>; Trippett.boineau@mgclaw.com; robert.thomas@rt-law.com; [Valerie Giovanoli@mccabetrotter.com](mailto:Valerie.Giovanoli@mccabetrotter.com); [Deanne Peele](mailto:Deanne.Peele) <Deanne.Peele@mccabetrotter.com>
Subject: Re: Century Capital Group LLC vs Midtown Development Group LLC , defendant, et al. / Case Number: 2014CP400737

I am on a family vacation and can't find where I received notice of this hearing. I do not have access to my computer so I will coordinate with my office to figure out what's going on. I would not miss a hearing intentionally I would not miss a hearing intentionally. My apologies My apologies. Thank you, Ryan

Sent from my iPhone

On Jul 19, 2022, at 2:39 PM, [Martin-Rothrock, Kimberly](mailto:Martin-Rothrock_Kimberly) <kmartin-rothrock@williamsmullen.com> wrote:

Good afternoon, Judge Lee:

Please find the attached submitted to you on behalf of Attorney Ruth Levy in connection with the above-referenced matter, which was E-Filed with the Court this afternoon following today's hearing regarding same.

Sincerely,



Kimberly A. Rothrock
Legal Administrative Assistant
T 803.567.4604
[email](#) | [website](#)

FIRST CITIZENS BANK BUILDING | 1230 MAIN STREET | SUITE 330 | Columbia, SC 29201

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DEBT COLLECTOR: This firm collects debts for our clients who are creditors. Any information obtained will be used for that purpose. However, if you have previously received a discharge in bankruptcy, this message is not and should not be construed as an attempt to collect a debt, but only as an attempt to enforce a lien.

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From: [Lee, Alison Renee](#)
To: [Levy, Ruth](#); [Ryan McCabe](#); [Lee, Alison Renee Law Clerk \(Meyoshia Bethea\)](#)
Cc: [Martin-Rothrock, Kimberly](#); [Tamasitis, John](#); [Tyer, Sara](#); [Trippett.boineau@mgclaw.com](#); [Valerie Giovanoli](#); [Deanne Peele](#); [Ian Thomson](#)
Subject: RE: Century Capital Group LLC vs Midtown Development Group LLC , defendant, et al. / Case Number: 2014CP400737
Date: Friday, July 22, 2022 11:03:45 AM
Attachments: [image002.png](#)

Good morning,

I am in receipt of the Memorandum in Opposition to the motion for attorney's fees and costs of Windsor Richland Mall, LP filed by Century Capital Group, LLC. Ms. Levy has asked for time to reply to the memorandum. I have no objection to that request and it should be filed within 10 days from the receipt of the Century Capital's memorandum. Thank you.

Alison Renee Lee
Circuit Court Judge
1701 Main Street, Suite 324
Post Office Box 192
Columbia, SC 29202
(803) 576-1765

From: Levy, Ruth <rlevy@williamsmullen.com>
Sent: Thursday, July 21, 2022 11:03 AM
To: Ryan McCabe <Ryan.McCabe@mccabetrotter.com>; Lee, Alison Renee Law Clerk (Meyoshia Bethea) <ALeeLC@sccourts.org>
Cc: Martin-Rothrock, Kimberly <kmartin-rothrock@williamsmullen.com>; Tamasitis, John <jtamasitis@williamsmullen.com>; Tyer, Sara <styler@williamsmullen.com>; Trippett.boineau@mgclaw.com; Valerie Giovanoli <Valerie.Giovanoli@mccabetrotter.com>; Deanne Peele <Deanne.Peele@mccabetrotter.com>; Ian Thomson <Ian.Thomson@mccabetrotter.com>
Subject: RE: Century Capital Group LLC vs Midtown Development Group LLC , defendant, et al. / Case Number: 2014CP400737

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Judge Lee and Ms. Bethea,

We will be filing a Reply brief on behalf of Windsor Richland Mall, LP. We respectfully request a deadline of Monday to file our Reply.

Thank you,

Ruth

Ruth A. Levy | Attorney | Williams Mullen
1230 Main Street, Suite 330 | P.O. Box 8116 (29202) | Columbia, SC 29201
T 919.981.4029 RAL, 803.567.4613 COL | C 919.818.2439 | F 919.981.4300 | rlevy@williamsmullen.com
www.williamsmullen.com

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From: Ryan McCabe <Ryan.McCabe@mccabetrotter.com>
Sent: Wednesday, July 20, 2022 10:56 AM
To: Lee, Alison Renee Law Clerk (Meyoshia Bethea) <ALeeLC@sccourts.org>; Levy, Ruth <rlevy@williamsmullen.com>
Cc: Martin-Rothrock, Kimberly <kmartin-rothrock@williamsmullen.com>; Tamasitis, John <jtamasitis@williamsmullen.com>; Tyer, Sara <styler@williamsmullen.com>; Trippett.boineau@mgclaw.com; Valerie Giovanoli <Valerie.Giovanoli@mccabetrotter.com>; Deanne Peele <Deanne.Peele@mccabetrotter.com>; Ian Thomson <Ian.Thomson@mccabetrotter.com>
Subject: RE: Century Capital Group LLC vs Midtown Development Group LLC , defendant, et al. / Case Number: 2014CP400737

Attached is a copy of the memo in opposition that I e-filed this morning.

I apologize to the Court and attorneys for missing the hearing yesterday.

Thank you,
Ryan

D. Ryan McCabe Jr.
McCabe, Trotter, & Beverly, P.C.
4500 Fort Jackson Blvd., Suite 250
Columbia, SC 29209
Direct: (803) 724-5005
ryan.mccabe@mccabetrotter.com



EXHIBIT B 2 of 4

From: Lee, Alison Renee Law Clerk (Meyoshia Bethea) <ALeeLC@sccourts.org>
Sent: Tuesday, July 19, 2022 5:04 PM
To: Ryan McCabe <Ryan.McCabe@mccabetrotter.com>; Levy, Ruth <rlevy@williamsmullen.com>
Cc: Martin-Rothrock, Kimberly <kmartin-rothrock@williamsmullen.com>; Tamasitis, John <jtamasitis@williamsmullen.com>; Tyer, Sara <styer@williamsmullen.com>; Trippett.Boineau@mgclaw.com; robert.thomas@rtt-law.com; Valerie Giovanoli <Valerie.Giovanoli@mccabetrotter.com>; Deanne Peele <Deanne.Peele@mccabetrotter.com>; Ian Thomson <Ian.Thomson@mccabetrotter.com>
Subject: RE: Century Capital Group LLC vs Midtown Development Group LLC , defendant, et al. / Case Number: 2014CP400737

Good Afternoon,

There is no response motion online. Please clarify what brief you are referring to.

Kind regards,

Meyoshia Bethea
Law Clerk to the Honorable Alison Renee Lee
Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29202
(803) 576-1767 (Phone)
(803) 576-1768 (Fax)
aleelc@sccourts.org

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| Boineau, Robert Trippett III | 7/19/2022_MOTION_Roster/Notice of Motions Roster Publication | Action |  | 06/29/2022-14:52 |  |  |
| McAlister, Allen Keith Jr.   | 7/19/2022_MOTION_Roster/Notice of Motions Roster Publication | Action |  | 06/29/2022-14:52 |  |  |
| Levy, Ruth Ann               | 7/19/2022_MOTION_Roster/Notice of Motions Roster Publication | Action |  | 06/29/2022-14:52 |  |  |
| Ravenel, D. Cravens          | 7/19/2022_MOTION_Roster/Notice of Motions Roster Publication | Action |  | 06/29/2022-14:52 |  |  |

Thank you,

Ruth

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Thank you,

Ruth

**Ruth A. Levy | Attorney | Williams Mullen**  
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**Cc:** [ALEELC@sccourts.org](mailto:ALEELC@sccourts.org); Levy, Ruth <[rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com)>; Tamasitis, John <[jtamasitis@williamsmullen.com](mailto:jtamasitis@williamsmullen.com)>; Tyler, Sara <[styer@williamsmullen.com](mailto:styer@williamsmullen.com)>; [Trippett.boineau@mgclaw.com](mailto:Trippett.boineau@mgclaw.com); [robert.thomas@rtt-law.com](mailto:robert.thomas@rtt-law.com); Valerie Giovanoli <[Valerie.Giovanoli@mccabetrotter.com](mailto:Valerie.Giovanoli@mccabetrotter.com)>; Deanne Peele <[Deanne.Peele@mccabetrotter.com](mailto:Deanne.Peele@mccabetrotter.com)>  
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Good afternoon, Judge Lee:

Please find the attached submitted to you on behalf of Attorney Ruth Levy in connection with the above-referenced matter, which was E-Filed with the Court this afternoon following today's hearing regarding same.

Sincerely,

  
**Kimberly A. Rothrock**  
Legal Administrative Assistant  
T 803.567.4604  
[email](mailto:email) | [website](http://website)

FIRST CITIZENS BANK BUILDING | 1230 MAIN STREET | SUITE 330 | Columbia, SC 29201

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## EXHIBIT B 4 of 4

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**From:** [James Stewart](#)  
**To:** "[sjohnson@sccourts.org](mailto:sjohnson@sccourts.org)"; "[transcripts@sccourts.org](mailto:transcripts@sccourts.org)"  
**Cc:** "[rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com)"; "[jtamasitis@williamsmullen.com](mailto:jtamasitis@williamsmullen.com)"; [Ryan McCabe](#); [Valerie Giovanoli](#)  
**Subject:** 000696.00077: Century Capital Group, LLC / (APPEAL) Century Capital Group, LLC v. Midtown Development, et al; / Transcript Request  
**Date:** Thursday, December 8, 2022 3:41:00 PM  
**Attachments:** [Transcript Request Form.docx](#)

---

Good afternoon Ms. Johnson,

Please find the attached Transcript Request Form regarding Century Capital Group, LLC v. Midtown Development, et al, proceeding date of 7/19/2022.

If possible, we would prefer an electronic copy of the requested transcript.

Should you have questions or concerns, please do not hesitate to let me know.

With kind regards, I am,

Sincerely yours,

James Stewart  
Paralegal

**MCCABE, TROTTER & BEVERLY, P.C.**

4500 Fort Jackson Blvd., Suite 250

Columbia, South Carolina 29209

Main: (803) 724-5000

Fax: (803) 724-5001

HOA: (803) 724-5002

Direct (803) 724-5019

Web: [mccabetrotter.com](http://mccabetrotter.com)

Email: [james.stewart@mccabetrotter.com](mailto:james.stewart@mccabetrotter.com)

**From:** [James Stewart](#)  
**To:** "[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)"  
**Cc:** [Valerie Giovanoli](#); [Ryan McCabe](#); "[rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com)"; "[jtamasis@williamsmullen.com](mailto:jtamasis@williamsmullen.com)"  
**Subject:** 000696.00077: Century Capital Group, LLC / (APPEAL) Century Capital Group, LLC v. Midtown Development, et al; /  
**Date:** Thursday, December 8, 2022 5:11:00 PM  
**Attachments:** [Transcript Request Form.pdf](#)

---

Good afternoon,

Please find the attached Transcript Request Form for filing regarding Century Capital Group, LLC v. Midtown Development, et al.,

Please note that the stated Court Reporter has been changed to WebEx.

Should you have questions or concerns, please do not hesitate to let me know.

With kind regards, I am,

Sincerely yours,

James Stewart  
Paralegal

**MCCABE, TROTTER & BEVERLY, P.C.**

4500 Fort Jackson Blvd., Suite 250

Columbia, South Carolina 29209

Main: (803) 724-5000

Fax: (803) 724-5001

HOA: (803) 724-5002

Direct (803) 724-5019

Web: [mccabetrotter.com](http://mccabetrotter.com)

Email: [james.stewart@mccabetrotter.com](mailto:james.stewart@mccabetrotter.com)

**From:** [James Stewart](#)  
**To:** "[transcripts@sccourts.org](#)"; "[ctappfilings@sccourts.org](#)"; "[tholmes@sccourts.org](#)"  
**Cc:** "[rlevy@williamsmullen.com](#)"; "[jtamasitis@williamsmullen.com](#)"; Ryan McCabe; Valerie Giovanoli  
**Subject:** FW: 000696.00077: Century Capital Group, LLC / (APPEAL) Century Capital Group, LLC v. Midtown Development, et al; / Transcript Request  
**Date:** Monday, February 20, 2023 11:06:00 AM  
**Attachments:** [Transcript Request Form.docx](#)  
[Filed Transcript Request Form - WebEx.pdf](#)

---

Good morning Ms. Holmes,

I am following up on the requested transcript for Century Capital Group, LLC v. Midtown Development, et al.

I have not received confirmation of request or cost of Transcript.

Thank you for your review. I appreciate your attention in this request.

Should you have questions or concerns, please do not hesitate to let me know.

With kind regards, I am,

Sincerely yours,

James Stewart  
Paralegal

**MCCABE, TROTTER & BEVERLY, P.C.**

4500 Fort Jackson Blvd., Suite 250

Columbia, South Carolina 29209

Main: (803) 724-5000

Fax: (803) 724-5001

HOA: (803) 724-5002

Direct (803) 724-5019

Web: [mccabetrotter.com](http://mccabetrotter.com)

Email: [james.stewart@mccabetrotter.com](mailto:james.stewart@mccabetrotter.com)

---

**From:** James Stewart  
**Sent:** Tuesday, February 14, 2023 12:14 PM  
**To:** 'transcripts@sccourts.org' <transcripts@sccourts.org>  
**Cc:** 'rlevy@williamsmullen.com' <rlevy@williamsmullen.com>; 'jtamasitis@williamsmullen.com' <jtamasitis@williamsmullen.com>; Ryan McCabe <Ryan.McCabe@mccabetrotter.com>; Valerie Giovanoli <Valerie.Giovanoli@mccabetrotter.com>  
**Subject:** RE: 000696.00077: Century Capital Group, LLC / (APPEAL) Century Capital Group, LLC v. Midtown Development, et al; / Transcript Request

Good afternoon,

I am following up on our request for the transcript referenced on the attached form. Ms. Johnson notified us that she was not the Court Reporter, and therefore we revised our

Transcript Request form to indicate that “WebEx” is the court reporter.

Please provide the cost of Transcript and when we can expect delivery of same.

Should you have questions or concerns, please do not hesitate to let me know.

With kind regards, I am,

Sincerely yours,

James Stewart  
Paralegal

**MCCABE, TROTTER & BEVERLY, P.C.**

4500 Fort Jackson Blvd., Suite 250

Columbia, South Carolina 29209

Main: (803) 724-5000

Fax: (803) 724-5001

HOA: (803) 724-5002

Direct (803) 724-5019

Web: [mccabetrotter.com](http://mccabetrotter.com)

Email: [james.stewart@mccabetrotter.com](mailto:james.stewart@mccabetrotter.com)

---

**From:** James Stewart

**Sent:** Thursday, December 8, 2022 3:41 PM

**To:** 'sjohnson@sccourts.org' <[sjohnson@sccourts.org](mailto:sjohnson@sccourts.org)>; 'transcripts@sccourts.org' <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

**Cc:** 'rlevy@williamsmullen.com' <[rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com)>; 'jtamasitis@williamsmullen.com' <[jtamasitis@williamsmullen.com](mailto:jtamasitis@williamsmullen.com)>; Ryan McCabe <[Ryan.McCabe@mccabetrotter.com](mailto:Ryan.McCabe@mccabetrotter.com)>; Valerie Giovanoli <[Valerie.Giovanoli@mccabetrotter.com](mailto:Valerie.Giovanoli@mccabetrotter.com)>

**Subject:** 000696.00077: Century Capital Group, LLC / (APPEAL) Century Capital Group, LLC v. Midtown Development, et al; / Transcript Request

Good afternoon Ms. Johnson,

Please find the attached Transcript Request Form regarding Century Capital Group, LLC v. Midtown Development, et al, proceeding date of 7/19/2022.

If possible, we would prefer an electronic copy of the requested transcript.

Should you have questions or concerns, please do not hesitate to let me know.

With kind regards, I am,

Sincerely yours,

James Stewart  
Paralegal

**MCCABE, TROTTER & BEVERLY, P.C.**

4500 Fort Jackson Blvd., Suite 250

Columbia, South Carolina 29209

Main: (803) 724-5000

Fax: (803) 724-5001

HOA: (803) 724-5002

Direct (803) 724-5019

Web: [mccabetrotter.com](http://mccabetrotter.com)

Email: [james.stewart@mccabetrotter.com](mailto:james.stewart@mccabetrotter.com)

Feb 28 2023

SC Court of Appeals

**From:** [James Stewart](#)  
**To:** [Court Of Appeals Filings](#)  
**Cc:** [rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com); [jtamasitis@williamsmullen.com](mailto:jtamasitis@williamsmullen.com); [Ryan McCabe](#); [Valerie Giovanoli](#)  
**Subject:** 000696.00077: Century Capital Group, LLC / (APPEAL) Century Capital Group, LLC v. Midtown Development, et al; /  
**Date:** Tuesday, February 28, 2023 12:58:41 PM  
**Attachments:** [eScribers Transcript order no SCJB00112 Century Capital Group LLC V. Midtown Development et al; 2014-CP-40-07037; 07192022.msg](#)

---

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Good afternoon,

Please find the correspondence regarding the transcript order and request for payment of deposit in the above referenced case, pursuant to Appellate Court Rule 207 and 607.

The Deposit was paid on 2/24/23.

Should you have questions or concerns, please do not hesitate to let me know.

With kind regards, I am,

Sincerely yours,

James Stewart  
Paralegal

**MCCABE, TROTTER & BEVERLY, P.C.**

4500 Fort Jackson Blvd., Suite 250

Columbia, South Carolina 29209

Main: (803) 724-5000

Fax: (803) 724-5001

HOA: (803) 724-5002

Direct (803) 724-5019

Web: [mccabetrotter.com](http://mccabetrotter.com)

Email: [james.stewart@mccabetrotter.com](mailto:james.stewart@mccabetrotter.com)

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*724-5000 or by return e-mail, and destroy any copies (electronic, paper, or otherwise) that you may have of this communication.*

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**From:** [James Stewart](#)  
**To:** [operations@escribers.net](mailto:operations@escribers.net)  
**Cc:** [rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com); [jtamasitis@williamsmullen.com](mailto:jtamasitis@williamsmullen.com); [Ryan McCabe](#); [Valerie Giovanoli](#)  
**Subject:** 2022-001727 / Century Capital Group, LLC v. Midtown Development, et al; Transcript Update Request  
**Attachments:** [eScribers Transcript order no SCJB00112 Century Capital Group LLC V. Midtown Development et al; 2014-CP-40-07037; 07192022.msg](#)

---

Good afternoon,

When possible, please send a status update on the Transcript Order SCJB00112 re: Century Capital Group, LLC V. Midtown Development, et al; 2014-CP-40-07037 / 2022-001727.

Should you have questions or concerns, please do not hesitate to let me know.

With kind regards, I am,

Sincerely yours,

James Stewart  
Paralegal

**MCCABE, TROTTER & BEVERLY, P.C.**

4500 Fort Jackson Blvd., Suite 250

Columbia, South Carolina 29209

Main: (803) 724-5000

Fax: (803) 724-5001

HOA: (803) 724-5002

Direct (803) 724-5019

Web: [mccabetrotter.com](http://mccabetrotter.com)

Email: [james.stewart@mccabetrotter.com](mailto:james.stewart@mccabetrotter.com)

**RECEIVED**

**Mar 10 2023**

**SC Court of Appeals**

**From:** [James Stewart](#)  
**To:** [Ruth Levy](#)  
**Cc:** [Ryan McCabe](#)  
**Subject:** RE: Transcript  
**Date:** Wednesday, March 29, 2023 5:24:00 PM

---

Good afternoon,

Despite the 3/13/23 request to Escribers, we have not received any transcripts.

Best,

James Stewart  
Paralegal  
803-724-5000  
McCabe, Trotter & Beverly, P.C.  
4500 Fort Jackson Blvd, Suite 250  
Columbia, SC 29209

-----Original Message-----

From: Ryan McCabe <[Ryan.McCabe@mccabetrotter.com](mailto:Ryan.McCabe@mccabetrotter.com)>  
Sent: Wednesday, March 29, 2023 4:46 PM  
To: Ruth Levy <[rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com)>  
Cc: James Stewart <[James.Stewart@mccabetrotter.com](mailto:James.Stewart@mccabetrotter.com)>  
Subject: Transcript

Hey Ruth,

I don't believe that we received the transcript yet.

James: can you confirm?

Thanks  
Ryan

Sent from my iPhone

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Physical Address:  
4500 Ft. Jackson Blvd., Suite 250  
Columbia, South Carolina 29209

Locations in:  
Columbia, SC  
Mount Pleasant, SC



McCABE, TROTTER & BEVERLY, P.C.  
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW  
[www.mccabetrotter.com](http://www.mccabetrotter.com)  
Phone: (803) 724-5000  
Fax: (803) 724-5001

**EXHIBIT D 9 of 9**

James Stewart  
Paralegal

[James.Stewart@mccabetrotter.com](mailto:James.Stewart@mccabetrotter.com)

**RECEIVED**

**Apr 03 2023**

**SC Court of Appeals**

April 3, 2023

VIA EMAIL

South Carolina Court of Appeals  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Re: **Century Capital Group, LLC v. Midtown Development, et al;**  
**Appellate Case No.: 2022-001727**  
**Civil Action Case No. 2014-CP-40-07037**  
**MTB File No.: 000696.00077**

Dear South Carolina Court of Appeals:

Today, we received the transcript in the above referenced matter from [TranscriptionOps@escribers.net](mailto:TranscriptionOps@escribers.net). Pursuant to South Carolina Appellate Court Rule 208 and 209, we are scheduled to serve and file Appellant's initial brief and designation of matter to be included in the record on appeal by Wednesday, May 3<sup>rd</sup> 2023.

Very sincerely,

James Stewart

cc: Ruth A. Levy: [rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com)  
John G. Tamasitis: [jtamasitis@williamsmullen.com](mailto:jtamasitis@williamsmullen.com)

**From:** [Ryan McCabe](#)  
**To:** [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)  
**Cc:** [rlevy@williamsmullen.com](mailto:rlevy@williamsmullen.com); [jtamasitis@williamsmullen.com](mailto:jtamasitis@williamsmullen.com); [Marilyn Gomez](mailto:Marilyn.Gomez@williamsmullen.com)  
**Subject:** FW: Century Capital Group, LLC v. Midtown Development, et al; / 2022-001727  
**Date:** Saturday, July 8, 2023 3:27:31 PM  
**Attachments:** [Appellant's Initial Brief.pdf](#)  
[Appellant's Designation for Record on Appeal.pdf](#)  
[Proof of Service.pdf.pdf](#)  
[Century Capital Group LLC v. Midtown Development et al; 2022-001727 \(182 KB\).msg](#)

---

Good afternoon,

I just realized that the email addresses were incorrect for the Court and Mr. Tamasitis. I apologize. Please see below and attached.

Thank you,  
Ryan

D. Ryan McCabe Jr.  
McCabe, Trotter, & Beverly, P.C.  
4500 Fort Jackson Blvd., Suite 250  
Columbia, SC 29209  
Direct: (803) 724-5005  
[ryan.mccabe@mccabetrotter.com](mailto:ryan.mccabe@mccabetrotter.com)



---

**From:** Ryan McCabe  
**Sent:** Monday, July 3, 2023 7:41 PM  
**To:** 'ctappfilings@sccourts.org' <ctappfilings@sccourts.org>  
**Cc:** 'rlevy@williamsmullen.com' <rlevy@williamsmullen.com>; 'jtamasitis@williamsmullen.com' <jtamasitis@williamsmullen.com>; Marilyn Gomez <Marilyn.Gomez@mccabetrotter.com>  
**Subject:** Century Capital Group, LLC v. Midtown Development, et al; / 2022-001727

RE: Century Capital Group, LLC v. Midtown Development, et al  
C/A No.: 2014-CP-40-07037  
Appellate Case No.: 2022-001727  
MTB File No.: 000696.00077

Good evening,

Please see attached for filing Appellant's Initial Brief, Designation of Matter, Proof of Service and copy of email serving same upon Counsel of record.

Thank you,

D. Ryan McCabe Jr.

McCabe, Trotter, & Beverly, P.C.

4500 Fort Jackson Blvd., Suite 250

Columbia, SC 29209

Direct: (803) 724-5005

[ryan.mccabe@mccabetrotter.com](mailto:ryan.mccabe@mccabetrotter.com)



McCABE, TROTTER & BEVERLY, P.C.  
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

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**From:** [Microsoft Outlook](#)  
**To:** [Ryan.McCabe@mccabetrotter.com](mailto:Ryan.McCabe@mccabetrotter.com)  
**Subject:** Undeliverable: Century Capital Group, LLC v. Midtown Development, et al; / 2022-001727  
**Date:** Monday, July 3, 2023 10:11:44 PM  
**Attachments:** [details.txt](#)  
[Century Capital Group LLC v. Midtown Development et al; 2022-001727 \(369 KB\).msg](#)

---

## Delivery has failed to these recipients or groups:

[ctappfilings@sccourts.og](mailto:ctappfilings@sccourts.og) ([ctappfilings@sccourts.og](mailto:ctappfilings@sccourts.og))

Your message couldn't be delivered and there was no valid enhanced status code being issued by the remote mail system to determine the exact cause, status: '550 No MX/host record found'.

The following organization rejected your message: mx-outbound46-243.us-east-2c.ess.aws.cudaops.com.

## Diagnostic information for administrators:

Generating server: Server1.MTB.Private  
Total retry attempts: 10

[ctappfilings@sccourts.og](mailto:ctappfilings@sccourts.og)  
mx-outbound46-243.us-east-2c.ess.aws.cudaops.com  
Remote Server returned '550 No MX/host record found'

## Original message headers:

```
Received: from Server1.MTB.Private (172.16.0.1) by Server1.MTB.Private (172.16.0.1) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.2.1258.16; Mon, 3 Jul 2023 19:41:29 -0400
Received: from Server1.MTB.Private ([fe80::c51b:db7:af00:1f2a]) by Server1.MTB.Private ([fe80::c51b:db7:af00:1f2a%15]) with mapi id 15.02.1258.016; Mon, 3 Jul 2023 19:41:29 -0400
From: Ryan McCabe <Ryan.McCabe@mccabetrotter.com>
To: "ctappfilings@sccourts.og" <ctappfilings@sccourts.og>
CC: "rlevy@williamsmullen.com" <rlevy@williamsmullen.com>, "jtamasitis@williamsmullen.com" <jtamasitis@williamsmullen.com>, "Marilyn Gomez" <Marilyn.Gomez@mccabetrotter.com>
Subject: Century Capital Group, LLC v. Midtown Development, et al; / 2022-001727
Thread-Topic: Century Capital Group, LLC v. Midtown Development, et al; / 2022-001727
Thread-Index: AdmuB3Bqw5yL4rCVS/mrk0WYssYNYQ==
Date: Mon, 3 Jul 2023 23:41:29 +0000
Message-ID: <7fd6efe699da443eacel6abc6ed861e3@mccabetrotter.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
x-originating-ip: [172.16.0.106]
Content-Type: multipart/mixed;
    boundary="_009_7fd6efe699da443eacel6abc6ed861e3mccabetrottercom_"
MIME-Version: 1.0
```