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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM LANCASTER COUNTY

SFP 01 2023

Court of Common Pleas

SC Court of Appeals

The Honorable Brian M. Gibbons

Appellate Case No.: 2023-001210

Nextgear Capital, Inc., Respondent,

v.

Express Automotive Sales & Rental, LLC d/b/a Express Automotive
Sales & Rentals, and Vonis Emoray Waiters, Appellants.

**NOTICE OF MOTION AND MOTION FOR
EXTENSION OF TIME TO ORDER TRANSCRIPT AND TO FILE INITIAL BRIEF**

The Appellants seek an extension of time in which to order the transcript in the above matter. The grounds for said motion are as follows:

1. Appellants wish to substitute appellate counsel for trial counsel and to relieve attorney D. Bradley Jordan and the Jordan Law Firm, PC as attorney of record. The Appellants have attempted to hire appellate counsel and had trial counsel submit a proposed Motion for Substitution (a copy of which is attached as **Exhibit A** to this Motion) To

date, Appellants have not been able to secure signature or consent of appellate counsel to the Motion for Substitution.

2. The transcript has now been ordered as evidenced by the Letter to the Court Reporter. (A copy of the letter Ordering the Transcript and Transcript Form is attached as **Exhibit B**).
3. Counsel for Respondent, Ben Grimsley, has consented to the Motion for Extension.

WHEREFORE, THE APPELLANTS seek additional time in which to Order the Transcript and file the Initial Brief.



D. Bradley Jordan
S.C. Bar No. 015288
Jordan Law Firm, PC
P.O. Box 11785
Rock Hill, SC 29731
August 31, 2023
(803) 817-7999
Attorney for Appellants

August 31, 2023
Rock Hill, South Carolina

EXHIBIT A

Jordan Law Firm, P.C.

Attorneys and Counselors at Law

546 East Main Street
Post Office Box 11785 (29731)
Rock Hill, South Carolina 29730
Telephone: (803) 817-7999
Fax: (803) 817-9704

*D. Bradley Jordan**

** Licensed in SC & DC*

August 11, 2023

J. Todd Rutherford
The Rutherford Law Firm, LLC
1315 Blanding Street
Columbia, SC 29201

RE: Nextgear Capital, Inc. v. Express Automotive Sales & Rental, LLC, D/B/A
Express Automotive Sales & Rentals, and Vonis Emoray Waiters
Case No.: 2023CP2900022

Dear Mr. Rutherford:

Enclosed please find the original Notice of Motion and Motion for Substitution of Counsel regarding the above referenced matter. Please sign the Consent and forward it back to me in the self-addressed stamped envelope provided.

If you should have any questions, please do not hesitate to contact me.

Sincerely,



D. Bradley Jordan
Attorney

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
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Appellate Case No.: 2023-001210

Nextgear Capital, Inc., Respondent,
v.
Express Automotive Sales & Rental, LLC d/b/a Express Automotive
Sales & Rentals, and Vonis Emoray Waiters, Appellants.

**NOTICE OF MOTION AND MOTION FOR
SUBSTITUTION OF COUNSEL**

NOW COMES, Vonis Emoray Waiters and Express Automotive Sales & Rental, LLC, Appellants in the above matter and would show the Court the following:

The Appellants wish to substitute counsel. D. Bradley Jordan of Jordan Law Firm, PC, currently represents Appellants as attorney of records. By agreement, the below signed Attorneys wish to withdraw, and Appellants wish to substitute J. Todd Rutherford of the Rutherford Law Firm, LLC as Attorney of Record for Vonis Emoray Waiters and Express Automotive Sales & Rental, LLC.

THEREFORE, the Appellants pray that this Court will allow substitution of Counsel as set forth herein.



D. Bradley Jordan
S.C. Bar No. 015288
Jordan Law Firm, PC
P.O. Box 11785
Rock Hill, SC 29731
(803) 817-7999
Attorney for Appellants

August 7, 2023
Rock Hill, South Carolina

WE CONSENT:

Vonis Emoray Waiters

Vonis Emoray Waiters, Individually and d/b/a
Express Automotive Sales & Rental, LLC
Appellants

THE RUTHERFORD LAW FIRM, LLC

J. Todd Rutherford
The Rutherford Law Firm, LLC
1315 Blanding Street
Columbia, SC 29201
803-256-3003

Substituting Counsel for Appellants
Express Automotive Sales & Rental, LLC and
Vonis Emoray Waiters

EXHIBIT B

Jordan Law Firm, P.C.

Attorneys and Counselors at Law

D. Bradley Jordan*
Founder

brad@jordanlawfirmpc.com

546 East Main Street
Rock Hill, South Carolina 29730
Post Office Box 11785 (29731)
Telephone: (803) 817-7999
Fax: (803) 817-9704

* Licensed in SC & DC

August 30, 2023

Michael Watkins, DCRP
transcripts@sccourts.org
1220 Senate St., Suite 200
Columbia SC 29201

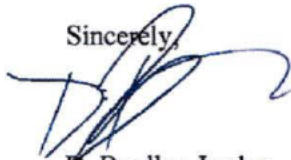
RE: Nextgear Capital, Inc. v. Express Automotive Sales & Rental, LLC, D/B/A
Express Automotive Sales & Rentals, and Vonis Emoray Waiters
Case No.: 2023CP2900022

Dear Mr. Watkins:

On April 26, 2023 at 10:00 a.m., the above case was heard before the Honorable Brian M. Gibbons, Circuit Court Judge, in Lancaster County. My records indicate that you were the court reporter for this case. I request that you provide me with a transcript of the proceedings of the Motion Hearing on the above date.

I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Sincerely,



D. Bradley Jordan

cc: Benjamin Grimsley – Attorney for Respondent

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals



South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name D. Bradley Jordan	Law Firm/Agency Jordan Law Firm, PC	Phone Number 803-817-7999	
Email Address brad@jordanlawfirmpc.com		Mailing Address PO Box 11785, Rock Hill SC 29731	
Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party Defendant			
Transcript Information			
Docket Number 2023CP2900022	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) Nextgear Capital, Inc. v. Express Automotive Sales & Rental, LLC, D/B/A Express Automotive Sales & Rentals, and Vonis Emoray Waiters		Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>
Date(s) of Proceeding April 26, 2023	County Lancaster	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Presiding Judge Brian M. Gibbons		Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) Benjamin Frimsley		Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) Due on/before: _____ <input type="checkbox"/> Regular delivery (60 days)	
Court Reporter(s) Michael Watkins, DCRP	<input type="checkbox"/> WebEx <input checked="" type="checkbox"/> DCRP	Delivery Method (additional fees may apply) <input checked="" type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _____ A: _____		Responsible Payor <input checked="" type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney _____ Email _____ <input type="checkbox"/> Other _____	
Ruling of the court <input type="checkbox"/>		Next Hearing Date _____	

Requestor's Signature: Date **8/31/2023**
(Typed name will serve as signature)

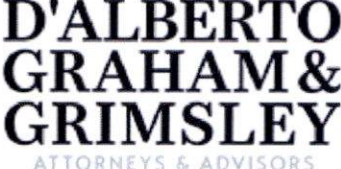
NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

EXHIBIT C

Brad Jordan

From: Ben Grimsley <bgrimsley@dgglegal.com> on behalf of Ben Grimsley
Sent: Friday, September 1, 2023 10:01 AM
To: Brad Jordan
Cc: Susie Miller; Lyndsie Sigle
Subject: RE: Motion for Extension and Motion to be Relieved

Thanks, Brad. We consent.

	Ben Grimsley Attorney
	Main: (803) 233-1177
	508 Meeting Street, West Columbia, SC 29169
	Mailing Address: PO Box 11682, Columbia, SC 29211

From: Brad Jordan <brad@jordanlawfirmpc.com>
Sent: Friday, September 01, 2023 9:57 AM
To: Ben Grimsley <bgrimsley@dgglegal.com>
Cc: Susie Miller <susie@jordanlawfirmpc.com>; Lyndsie Sigle <lyndsie@jordanlawfirmpc.com>
Subject: Motion for Extension and Motion to be Relieved

Ben

Attached are the revised version of the two motions. It is my understanding that you will consent to the Motion for Extension and the Motion to be Relieved.

Please confirm by email if you will.

Thanks

Brad

D. Bradley Jordan
Jordan Law Firm, PC
546 East Main Street
Rock Hill, SC 29730
Phone 803-817-7999
Fax (803) 817-9704
Licensed in SC and Washington D.C.
www.jordanlawfirmpc.com
South Carolina Association for Justice
American Association for Justice

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM LANCASTER COUNTY
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Case No.: 2023CP2900022

NETGEAR CAPITAL, INC., Respondent

v.

EXPRESS AUTOMOTIVE SALES & RENTAL, LLC, D/B/A EXPRESS AUTOMOTIVE SALES &
RENTALS, AND VONIS EMORAY WAITERS, Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Motion and Motion for Extension of Time to Order Transcript and to File Initial Brief by depositing a copy of same, postage prepaid, via us mail delivery on September 1, 2023 addressed to Benjamin E. Grimsley, Esquire, D'Alberto, Graham & Grimsley, LLC, P.O. Box 11682, Columbia, SC 29211 and Mr. Emoray Waiters-Prestige Pain and Body, 2938 Flat Creek Road, Lancaster, SC 29720

Rock Hill, South Carolina

September 1, 2023



D. Bradley Jordan
S.C. Bar No. 015288
Jordan Law Firm, PC
P.O. Box 11785
Rock Hill, SC 29731
(803) 817-7999

Attorney for Appellant

Jordan Law Firm, P.C.

Attorneys and Counselors at Law

546 East Main Street
Post Office Box 11785 (29731)
Rock Hill, South Carolina 29730
Telephone: (803) 817-7999
Fax: (803) 817-9704

*D. Bradley Jordan**

** Licensed in SC & DC*

September 1, 2023

RECEIVED
SEP 01 2023
SC Court of Appeals

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


RE: Nextgear Capital, Inc. v. Express Automotive Sales & Rental, LLC, D/B/A
Express Automotive Sales & Rentals, and Vonis Emoray Waiters
Case No.: 2023CP2900022

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Motion and Motion for Extension of Time to Order Transcript and to File Initial Brief and a Motion to be Relieved as Counsel in the above matter. The filing fee of \$100.00 is also enclosed.

Please provide me with a filed copy in the self-addressed stamped envelope or via email at brad@jordanlawfirmpe.com.

Sincerely,


D. Bradley Jordan
Attorney

cc: Benjamin Grimsley – Attorney for Respondent