

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Dec 27 2023

SC Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

The Honorable Alison Renee Lee
Circuit Court Judge

Appellate Case No.: 2023-001193

Charles Ives,Appellant,

v.

Charles E. Campbell, Vivian C. Gardner, T. Clayter Campbell, Thomas Clayter Campbell, and
Eddie Harold Goff, Trustees of the Colbert H. Campbell United Trust, Sonja C. Parker, Barry
Campbell, and Randy Bowers,Respondents.

**APPELLANT’S MOTION TO HOLD BRIEFING SCHEDULE IN ABEYANCE OR IN
THE ALTERNATIVE FOR EXTENSION OF TIME TO FILE AND SERVE INITIAL
APPELLANT’S BRIEF AND DESIGNATION OF MATTER**

Appellant Charles Ives, through his undersigned counsel, hereby requests the briefing schedule in this matter be held in abeyance in order to allow Appellant’s counsel to obtain copies of the trial exhibits entered and presented to the Circuit Court in trial of this matter. This matter is based upon the following:

- 1) Appellant’s Initial Brief and Designation of matter is presently due to be filed and served on December 27, 2023.
- 2) The below-signed counsel was retained to pursue the instant appeal and was not involved in the trial of this matter, and to date has been unable to secure copies of all the marked and entered trial exhibits.

- 3) Trial counsel is unable to provide copies of the marked and entered trial exhibits.
- 4) The below-signed counsel has communicated with opposing counsel.
- 5) Contemporaneous with the filing of this motion, the below-signed counsel for Appellant/Plaintiff has also filed a motion with the Circuit Court for Kershaw County requesting permission to make and retain copies of the trial exhibits from this matter. This motion and proposed order being attached hereto as Exhibit 1.
- 6) The below-signed has consulted with opposing counsel who does not object to the instant request to hold briefing in abeyance.

WHEREFORE Respondent respectfully requests that this Court issue an Order holding the briefing schedule in abeyance to permit Appellant to obtain copies of the trial exhibits and making Appellant's initial brief due with 30 days of Appellant's receipt of the aforementioned trial exhibits. Appellant's counsel shall notify the Court upon the receipt of the trial exhibits. In the alternative Appellant requests the Court issue an order extending the deadline for filing and serving Appellant's Initial Brief to accommodate the copying of the trial exhibits.

Respectfully submitted,

THURMOND KIRCHNER & TIMBES, P.A.

s/ T.J. Rode
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Attorney for Appellant

December 27, 2023
Charleston, South Carolina

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

The Honorable Alison Renee Lee
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Campbell, and Randy Bowers,Respondents.

PROOF OF SERVICE

The undersigned certifies that he served a copy of the foregoing **Appellant Charles Ives’
Request to Hold Briefing Schedule in Abeyance or in the Alternative for Extension of Time
to File and Serve Appellant’s Initial Brief And Designation Of Matter** to all counsel of record
on December 27, 2023, by e-mailing a copy of the same, as follows:

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s/ T.J. Rode
Thomas J. Rode (Bar No. 77480)

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)
Charles Ives,)
Plaintiff,)
v.)
Charles E. Campbell, Vivian C. Gardner,)
T. Clayter Campbell, Thomas Clayter)
Campbell and Eddie Harold Goff,)
Trustees of Colber H. Campbell United)
Trust, Sonja C. Parker, Barry Campbell,)
and Randy Bowers.)
Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
C/A No. 2019-CP-28-01137

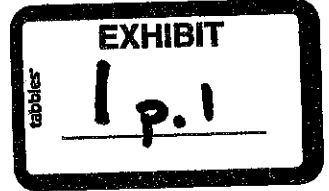
**MOTION TO PERMIT COPYING OF
EXHIBITS**

COMES NOW the above-named Plaintiff in the above reference matter, which is pending on appeal with South Carolina Court of Appeals, and who herein requests an order allowing the clerk of court to permit Plaintiff to obtain copies of the trial exhibits. This motion being based upon the following:

This matter was tried to the court between February 27 and 28, 2023. A final order was entered on June 27, 2023. Plaintiff subsequently appealed. The matter is presently pending on appeal with the South Carolina Court of Appeals (Appellate Case No. 2023-1193). The undersigned counsel for Plaintiff was retained to pursue the appeal and was not involved with trial of this matter. Copies of the aforementioned trial exhibits are necessary to prosecute the appeal. The below signed counsel has consulted with trial counsel and opposing counsel and has been unable to obtain copies of all the trial exhibits.

Therefore, Plaintiff respectfully requests an order permitting the copying trial exhibits.

[signature to follow]



Respectfully submitted,

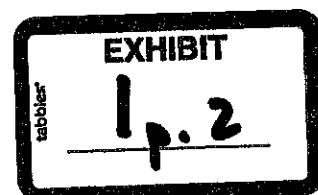
THURMOND KIRCHNER & TIMBES, P.A.

s/Thomas J. Rode

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Attorney for Plaintiff

December 27, 2023
Charleston, South Carolina



STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)
)
Charles Ives,)
)
Plaintiff,)
)
v.)
)
Charles E. Campbell, Vivian C. Gardner,)
)
T. Clayter Campbell, Thomas Clayter)
)
Campbell and Eddie Harold Goff,)
)
Trustees of Colber H. Campbell United)
)
Trust, Sonja C. Parker, Barry Campbell,)
)
and Randy Bowers.)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
C/A No. 2019-CP-28-01137

**ORDER PERMITTING COPYING OF
TRIAL EXHIBITS**

BEFORE THE COURT is Plaintiff's motion to permit the copying of trial exhibits presented to the court during the trial of this matter in order to complete the record and pursue an appeal of this matter with the South Carolina Court of Appeals. For good cause shown the instant motion is GRANTED.

IT IS THEREFORE ORDERED that Plaintiff (himself or through counsel) be permitted to make and obtain copies of marked trial exhibits from the trial of this matter.

IT IS SO ORDERED.

[electronic signature page of presiding Circuit Court Judge to Follow]

